









THE
HAWKS OF HAWK-HOLLOW.

A

TRADITION OF PENNSYLVANIA.

BY THE AUTHOR OF "CALAVAR," AND "THE INFIDEL."

Where dwellest thou?—
Under the canopy,—i' the city of kites and crows.
Coriolanus.

IN TWO VOLUMES.

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CHAPTER I.

I will discover such a horrid treason,
As, when you hear't, and understand how long
You've been abused, will run you mad with fury.

BEAUMONT AND FLETCHER—*The Prophetess*.

IT has been seen how the rejoicings at the promontory were interrupted in their very beginning, by the sudden discovery of the refugee, so

Dad for his derring-doe and bloody deed,

that his mere name had thrown all present into confusion. The crowning climax was put to the general panic, when some of the late pursuers were seen returning, early in the afternoon, whipping and spurring with all the zeal of fear, and scattering such intelligence along the way as put to flight the last resolution of the jubilants. The news immediately spread, that Oran Gilbert had burst into existence, not alone, but with a countless host of armed men at his heels; that he had attacked and routed the pursuers, hanging all whom he took alive, especially the soldiers; and that he was now, in the frenzy of triumph, marching against the

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devoted Hillborough, with the resolution of burning it to the ground. Such dreadful intelligence was enough to complete the terror of the revellers; they fled amain—and long before night, the flag waved, and the little piece of ordnance frowned in utter solitude on the top of the deserted head-land. It is true that there came, by and by, couriers with happier news, but too late to arrest the fugitives; and as these riders made their way towards the village, expressing some anxiety lest it should be attacked, they rather confirmed than dispelled the fears of the few inhabitants of the valley. From one of the coolest and boldest, Captain Loring, who fastened on him at the park-gate, learned that there had been no action indeed, and that the fugitive had made his escape; but, on the other hand, it appeared that there *were* refugees in the land,—that they had hanged a soldier named Parker, and made good their retreat from the place of execution—that the greatest doubt existed among the pursuers in relation to the route they had taken and the objects they had in view, some believing, on the evidence of a certain quaker, who had been their prisoner, that they were marching by secret paths against the village, while others insisted that this was a feint designed only to throw the hunters off the scent, and to secure their escape,—that, in consequence, the party had divided, pursuing the search in all directions, in the hope of discovering their route,—and, finally, that it was now certain, the band, whose number was supposed to be very considerable, was really commanded by the notorious Oran Gilbert. From this man also, Captain Loring learned a few vague particulars in relation to the two greatest objects of his interest, namely Henry Falconer and the young painter, who had fallen into a quarrel in consequence of some mis-understanding about their horses, the officer hav-

ing used harsh language not only in regard to the unceremonious seizure by Herman of his own steed, but in reference to a similar liberty the refugee had previously taken with the painter's, which, Falconer averred, was an evidence of intimacy and intercourse betwixt Mr. Hunter and the outlaw it behooved the former to explain, before thrusting himself into the company of honest men and gentlemen. This quarrel, it seemed, had been allayed by the interference of Falconer's brother officers; and the informant had heard something said of a proposal to drown the feud in a bowl. As for the man of peace, Ephraim, it appeared, that his spirited assistance during the chase, and especially his success in exposing the secret haunt of the tories in the Terrapin Hole, the scene of Parker's execution, had not only removed all suspicion in relation to his character, but had highly recommended him to the favour of his late captors.

With such news, the Captain strode back to his mansion, and awaited, with his daughter and kinswoman, the return of the officers to the Hollow, and their appearance at the hall, which he doubted not, they would instantly make, after returning. He waited, however, for a long time, in vain; and by falling sound asleep, as he watched the sun creeping beneath the western hills, escaped the intelligence, which was soon after brought to the house, that the officers had returned to the Hollow, and instead of reporting themselves forthwith under his hospitable roof, had made their way to the widow's inn, where they were carousing with a zeal commensurate with the spirit they had exhibited during the troubles of the day.

This unexpected termination of a day of heroism—a termination that surprised and irritated Miss Falconer as much as it perhaps secretly

pleased the Captain's daughter—was a consequence of the late quarrel, or rather a mode of burying it in oblivion, devised by captain Caliver, who had contracted an esteem for the painter, and preferred ‘his ease in his inn’ to all the delights and blandishments that might be expected in the society of Gilbert’s Folly. As the superior officer, he had taken the command into his own hands, and besides arranging his forces so as to watch all the approaches to the valley, and despatching lieutenant Brooks to the village, to communicate with the authorities there, he declared his resolution to erect his head-quarters in the Hollow, at a place like the Traveller’s Rest, where, while still commanding the road, he would be near enough to protect the females and non-combatants in the Captain’s house. “And besides,” he added facetiously, while riding up to the little inn, “as we men of the sword are protectors of widows as well as orphans, we will thus protect a forlorn old woman from mischief, and put a penny into her pocket, and drink our wine at our ease—for you remember, Falconer, my young brother, you swore by all the gods you would have some of the wherewithal smuggled up to this identical old woman’s whiskey-house!”

“I swore it ‘by the eternal Jupiter,’ ” said Falconer, with a grin; “and, by the eternal Jupiter, I am as ready for a blow-up now as another time; only that we must blow fast, so as to run up to Hal, to be scolded before bed-time, as soon as Brooks comes: and as for Mr. Hunter here, why he and I can blow out one another’s brains in the morning.”

“If thee talks in this evil-minded, blood-thirsty manner,” said Ephraim Patch, indignantly, “I give thee warning, I will have nothing to do with thy wholesome wines and thy goodly brandies, whereof

thee has spoken, and whereof much good may be said, in regard of them that are faint and weary. If thee will eat, drink, and be merry, all in a civil, Christian way, without drawing any weapons more dreadful than corks, pulling only at the bottle instead of the pistol, and neither swearing profanely nor drinking foolish irreligious healths, thee shall have me in company to give thee good counsel, whereof thee has considerable much need, as well as thy long-nosed friend here, (not meaning any offence,) which thee calls captain, and the youth also, friend Hunter. Verily, I am both hungry and thirsty, and will sooner enjoy the creature comforts in this quiet hovel, than even the satisfaction of bringing the breaker of laws into the hands of justice. Verily, the thought of these goodly wines doth make my mouth water; and I shall rejoice, even to the bottom of my spirit, if they have already reached the house of the widow."

We do not design to relate the joys of the banquet shared by the four worthies, and some two or three young men of the county, who had shown themselves men of spirit, and remained bravely by the side of the officers, resolved, as they said, to contribute their aid to the defence of the Hollow. It is only worthy of remark, first, that the ill blood between young Falconer and the painter gradually wore away, and was succeeded, on the part of the former, by a sudden friendship, which bade fair to ripen into fondness, and on that of Hyland, by what was at least a show of reciprocity; secondly, that honest Ephraim, gradually displayed as much spirit in the feast as he had before manifested in the fray, and became, to the surprise of all, the soul of mirth and drollery, so that young Falconer, clapping him on the back, swore, with the favourite oath of his friend Caliver, he 'had never seen a jollier old broad-brim;' and thirdly,

that this capricious young gentleman grew so enamoured of his company, that he ceased to talk, as he did at first, of the necessity he was under of paying his sister and friends a visit at the Folly, until he was roused to recollection by the sudden retreat of his new friend from the cottage. The painter was detected in the very act of stealing, or as they chose to call it, sneaking from the apartment; and Mr. Falconer, uttering a loud 'Hillo! halt, deserter!' volunteered to bring him back to the punishment immediately ordered by the captain of cavalry, of a glass of salt and water. He rushed from the room, and plainly beheld the youth, in the light that flashed from the window, spring from the porch, and dive into the midnight shadows of the oak trees—for it was now completely dark. As he retreated, he stumbled over some obstruction in the path; but instantly recovering himself, he leaped over the little brook, and was soon out of sight.

"Hillo, Hunter, my boy!" cried the lieutenant. "Why zounds! there he goes up the road like a light-horseman! Why, gad, here the fool has dropped his handkerchief;—no, gad's my life, 'tis a paper. Hillo, painter! you've dropped something! A letter, as I'm alive!—Ehem—hiccup! —a very handsome constellation that Great Bear! never saw the Pointers shine so brightly in my life. —Gad's my life, and adzooks, as Captain Loring says, 'tis the lights in the Folly, after all! and here am I, carousing like an ass, instead of playing off the Romeo to Catherine by starlight. Now Hal will scold like twenty housekeepers, Catherine will look sulky, and as for the Captain, why I suppose he will fall into one of his patriarchal rages. Gad, but I feel rather warmish and particular; but this cool night air is a good thing for settling one's nerves. I warrant me, that rascal Hunter has gone

up there before me. A very handsome, well behaved dog, and I like him immensely!"

With such expressions as these, the young man, whose brain, never one of the strongest, was at present whirling in confusion, began to make his way towards the Folly, without troubling himself to think what amazement or affliction his absence might cause his friends. Indeed, he was fast verging towards that happy state in which man shows his loftiest contempt of the world and the world's ways, and his disregard of all those restraints and encumbrances which society has imposed upon the free-born lord of creation. He had left the hovel without his hat; but what cared he for such a superfluity, of a fine summer night, even although beginning a walk over hill and hollow, of full a mile in extent? Had he left it even without his boots, it is questionable whether he would have noticed the deficiency, until recalled to his senses by the roughness of the road. In a word, the wine he had already swallowed, had made serious inroads upon a brain that was always 'very poor and unhappy for drinking;' and, as it frequently happens in such cases, the exercise of walking more than counteracted the effects of the cooling air; so that, by the time he had trudged half the distance towards the paddock, the young gentleman was in the happiest spirits imaginable, wholly insensible of his condition, and almost unconscious of the purpose that had drawn him so far. He even began to sing along the road, and by the time he had reached the gate, was trolling a song, of a character ludicrous enough to come from his lips, but which, perhaps caught originally from those of some wag or philosopher of the camp, was now suggested by the spirit of happy indifference it breathed to all sublunary concerns, and was therefore in excellent harmony with his own feelings.

It was the song of *Poor Joe*, and was sung with wondrous emphasis and gusto.

I.

Poor Joe! I've no wealth but content at command,
 I am otherwise poor as a rat;
 But while the world covets one's houses and land,
 I'm sure 'twill not rob me of that,
 Poor Joe!
 I'm sure 'twill not rob me of that.

II.

I've no money, no money to squander in wine,
 To aid me in soft'ning my lot:
 But then, if the shame of a poor man be mine,
 The shame of a scoundrel shall not,
 Poor Joe!
 The shame of a scoundrel shall not.

III.

No sweetheart to flatter, no wife to applaud,—
 Poor Joe! he may house him or roam;
 But, sure, if he meets with no angel abroad,
 He'll hap on no devil at home,
 Poor Joe!
 He'll hap on no devil at home. . .

IV.

Poor Joe! I've no friends, as, if richer, I might,
 But for that I'll not bitterly grieve;
 If there's none, with the gabble of love, to delight,
 Why then there are none to deceive,
 Poor Joe!
 Why then there are none to deceive.

V.

Poor Joe! I am ragged, my hat is grown old,
 My elbows peep out to the storm;
 But why should I fear for the wet and the cold,
 When content and a blanket can warm,
 Poor Joe!
 When content and a blanket can warm!

Apparently, he found the madrigal just one stanza too short, at least for his present mood; for which reason, so soon as he had finished the last of all, he began to repeat it, with even more expression than before, and had just reached the second line,—

“My elbows peep out to the storm,”—

when one of his own elbows was suddenly seized upon, and a voice, bitterly reproachful, muttered in his ear,

“Are you mad? Are you mad, brother? are you mad?”

“What! Hal? sister? is that you? Gad’s my life, I knew you would scold me; but if you would only consider—But, now I think of it, egad, what brings you out here of a dark night, singing Poor Joe, like an old soldier? Adzooks, as the Captain says, I am quite astonished!”

“Brother, you are—Oh, that you should be so insensible to interest, if not to shame!” cried Miss Falconer, with deep feeling. “Brother, brother, you”—

“If I have, may I be shot!” cried the young officer, hastily, as if the instinct of long habit had taught him what his sister intended to say; “that is, Harry, my dear, nothing to speak of; and it is all on account of Caliver, who, betwixt you and me, is so deuced soft-headed,—he is, egad,—one must always sit by, to take care of him. As for me, Hal, why I can drink a hogshead of any such wishwashy stuff as these French wines; I can, by the eternal Jupiter, as Caliver says; and at the present moment I am”—

“Ruined, irretrievably ruined!” cried his sister; “and by your own folly—by your own miserable, infatuated dissipation. You have lost Catherine Loring.”

"Lost Catherine Loring? *my* Catherine Loring?" cried the young man, in alarm. "Have the Hawks carried her off?"

"What if I say *yes*?" replied Harriet; and then added, with a tone that brought the youth still farther to his senses, "and I must add, that even a base and renegade Gilbert is worthier of her than *you*,—my brother,—the son of Richard Falconer! Oh, shame upon you, brother! shame upon you!"

"Harry, you are joking with me!" cried Falconer, with a voice somewhat quavering and querulous. "We've driven the dogs the lord knows whither; and as for that story of the village, why that's all a fib: so as to carrying Catherine off, I don't believe a word of it."

"And yet you have lost her,—lost her, perhaps, beyond all redemption. Oh Harry, brother Harry, were you but enough in your senses to understand me!"

"I am, sister, I am," cried Falconer; and indeed the devil, drunkenness, was fast giving place to the devil, fear: "I *have* been drinking; but I swear to heaven."

"Swear no more: you have done so a dozen times already."

"I have done so, sister; but I swear again, and I call heaven to witness, that if you have spoken the truth, and Catherine be really lost, I will never drink more till I have recovered or revenged her. But for pity's sake, speak; what is the matter?—I am sober now. What has brought you out here in the dark? Where is Catherine? What is the matter?"

"You shall hear," cried Miss Falconer, hurriedly: "perhaps it is not yet too late. You have a rival, brother, a dangerous rival!"

"Oh, gad now, sister! lord, is that all?" exclaimed the young man, bursting into a laugh:

" why, you don't think I shall go jealous, because I have a rival? Gad, Harry, you're the most absurd sister in the world.—I wonder what the deuce has become of my hat?—A rival, Hal? One of these village clotpolls! A dozen of 'em, if you like: the more the merrier. I'll invite 'em all to my wedding."

" You are mad!" cried Harriet. " Wedding, indeed! Perhaps you will never be married. What think you of a rival that has her heart?"

" Her heart? Catherine's heart?" exclaimed the gay-brained soldier; " why, it has been mine these two years!"

" And now," said Harriet, " it is another's.—Brother! rouse from your dream of confidence and security. It is as true as that the stars are above us: Catherine Loring loves another."

" Harriet!"—

" It is true—she confessed it with her own lips."

" Confessed it, sister!" said the young man; and then added, with a spirit that surprised her, " If that be so, why then good luck to her: she shall have her freedom. I don't think I shall break my heart; and, certainly, I shan't force her to marry me. But, Hal,—look you, sister Hal,—I did not think she would cozen me. She confessed it, did she? Why, that's enough. I'm an honourable man; but after being cheated and jilted, I don't care much—But if I don't kill the scoundrel, Hal!—I say if I don't kill him, you may have leave to call me a fool and chicken twice over!—Confess it!"

If this display of spirit surprised Miss Falconer, the manifest distress with which her brother spoke, incredible as it may seem, greatly gratified her. His greatest fault in her eyes,—that is, aside from his dissipated habits,—was that easy indifference

of disposition, or indolence of feeling, which kept him reckless and passive when she would have had him ardent and energetic. She knew him to be insensible of the full value of that prize it was her ambition to secure him; and had he been any but her brother, she would have hated him for what seemed the feebleness of his affection, as indicated by the little pains he took to secure that of Catherine. It was obvious, from this homely burst, in which magnanimity, pride, indignation, anger, and distress, were all so characteristically jumbled together, that the young gentleman had really feeling enough at bottom, and that, in a great measure, of the right kind; and the discovery brought a ray of hope into her mind.

"Brother," said she, "if you really love Catherine, you may yet save her."

"What! after confessing she loves another?" cried he, sulkily. "Now, Hal, for all your wisdom, you don't know me—I won't have her. Confess, indeed!"

"No—she did not confess—I will explain. Perhaps 'twas only a dream;—it was in her sleep."

"In her sleep!" cried Falconer, and then burst again into a roar of laughter. "In her sleep!" he ejaculated, giving way to a second peal. "Well! you have scared me with a vengeance!—But I forgive you—you have brought me to. Of all the cunning doctors in the world, give me yourself, Harry; you are infallible. And so she confessed in her sleep, poor soul, did she? Oh, Hal! Hal! Hal!" And here the capricious youth gave full swing to his merriment.

"Thus it is," said his sister, impatiently; "one extreme or the other, ever. Listen, brother; for I am serious. Your wild habits have greatly weakened Catherine's affections. Another comes, in the meanwhile, with attractions, I will not say

superior to your own, but perhaps every way equal, who ceases not, neither by day nor by night, to influence her imagination and engage her heart. Judge of his success, when you know that she has admitted him to intimacy, nay, to confidence; judge, when I tell you that she trembles at the sound of his voice, turns pale at the echo of his footsteps, blushes when he speaks, looks glad when he is by her, and weeps when he is absent,—and, finally, who hides the secret from her own waking thoughts, yet babbles his name over in her dreams, and sheds tears, and smiles with her tears, when she murmurs it. Is not such a man,—the object of such emotions, himself so passionately enamoured, that his visage betrays the thought of his bosom, even when he knows he is suspected and watched,—is not such a man a dangerous rival?"

"Sister, you know better than myself," said Falconer, uneasily; "if *you* think so"—

"I do, brother; I believe, that, this moment, without knowing it herself, Catherine's mind is dwelling upon your rival; and if he be not driven away, you will lose her."

"Point him out to me, sister Harriet, and then, by"—

"No fighting! no fighting, brother!" cried Harriet, in some alarm, and speaking with eagerness. "Not a hair of the young man's head must be harmed; we have done him injury enough among us, perhaps, already. We must frighten him away: if I know him, we can legally expel him from the valley. Arrest, imprison him, banish him;—do any thing; but harm him not—that is, do him no harm with your own hands. If he have forfeited his life to the law, let the law take it. Now, brother, know your rival—it is the youngest brother of this dreadful Oran Gilbert."

"Saints and devils!" cried Falconer, with vi-

vacity, "a Hawk of the Hollow! and dare to love Catherine Loring?"

"I could be sworn to it," said Harriet. "The circumstances that pointed out the assassin of my father, were but clews of thistle-down to the chains of evidence that led me to the knowledge of this skulking raven's character. The first circumstance was as strong as the last; an idle, thoughtless, nay, an accidental, pencil mark on a drawing opened my eyes in an instant; and heaven's light immediately streamed through them. But think him not the coarse cut-throat his name would indicate; he has had a gentleman's breeding, and such is his bearing. I doubt not that he is a confederate of his brother, perhaps even a spy; and, I am persuaded, it was he who counteracted our scheme of seizing the reprobates, and brought the poor soldier, Parker, to the gibbet. He must be arrested and examined. He knows he is suspected—he knows that I suspect him; but will, in his audacity, remain, in the assurance that no real proof can be brought against him.—That man, that painter, brother,—that Hunter? where did you leave him?"

"Leave him?" cried Falconer: "why, is he not here? Sure, he led the way hither; and sure I followed after him. A rare fellow, sister! I was going to blow his brains out; but, egad, I know him better, and, gad, I am coming on fast to adore him. Adzooks, as the Captain says, I picked up his letter, and"—

"His letter?" cried Harriet, eagerly; "where is it?"

"Here," said the lieutenant, drawing it from his pocket, wherein he had safely bestowed it.

"To the light! to the light!" cried the maiden, snatching it out of his hands, and running with the speed of a frightened deer towards the mansion, followed by her bewildered brother. A candle blazed

in one of the windows that opened on the porch, and in the chamber it lighted, had she been disposed to look, Miss Falconer might have seen the gallant Captain Loring sitting upright in his arm-chair, but fast asleep, and filling half the house with the melody of his nostrils. To this window ran Miss Falconer, and hither she was followed by her brother; who, to his amazement and indignation, found her devouring the contents of the paper with the avidity of a malefactor poring over his own respite from a death of ignominy.

“Gad’s my life, sister Hal!” cried the incensed soldier, “you have disgraced me for ever! What, reading the young fellow’s letter?”

“Reading *my* letter!” cried Harriet, turning upon him a look inexpressibly fierce and triumphant. “Was not this suspicion as prophetic as the other? The dead Parker speaks to me, and from his grave affords me proof even stronger than I sought. Oh, villain! villain! audacious, inconceivably audacious, villain! Their lieutenant? His intimacy with, his designs upon Catherine Loring, revealed even to his ribald companions? and made their theme of speech! their jest! Oh, what a rival have you suffered to approach your betrothed wife, Harry Falconer! *This* convicts, doubly convicts him.—What ho, uncle! Captain Loring, awake! Where is Catherine? Uncle! uncle!”

“Devils!” cried Falconer, “do you mean to say that Hunter is the man? Why he’s a gentleman!”—

“Adzooks, and adsbobs, what’s the matter? Send out scouts to beat the bushes: tree ‘em, my boys, tree ‘em; never show an inch of Adam’s leather to an Indian.—Adzooks, is that you, Harry my dear?” were the words of Captain Loring, roused as suddenly from his slumbers as he had

often been in his early woodland campaigns. "What's the matter? Have you caught that scoundrel Oran, or any of his gang?"

The answer to this question astounded the old soldier; and while Miss Falconer poured into his ears the story of the transformation of his beloved Herman the painter into Hyland Gilbert, a brother and leader among the Hawks of Hawk-Hollow, he seemed for a moment, like the devotee, rapt in a holier passion, to have

Forgot himself to marble.

In the meanwhile the unlucky author of this commotion had brought his destinies to a crisis in another quarter, and with another individual.

CHAPTER II.

“Not all the wealth of Eastern kings;” said she,
“Has power to part my plighted love and me.”

DRYDEN.

THE painter had long since made his way to Gilbert's Folly. As he hurried through the park, he discerned the figure of Miss Falconer; and notwithstanding the obscurity of the hour, he knew her at once, and avoided her. There was a moon in the sky, but new, and low in the west; and, besides, it was struggling with clouds that robbed it of half its lustre; yet it cast ever and anon light enough to enable a good eye to distinguish objects on the more open portions of the lawn.

Not a little pleased at the prospect, thus offered, of enjoying a *tête à tête* with the Captain's daughter, though it might be only for a moment, he entered the house and the little saloon in which he had spent so many happy moments. It was empty, but the door leading to the garden was open, and the broad gravel-walk, fringed with low shrubs and roses, was lighted by the taper in the apartment. As he stepped out, his eye fell upon Catherine Loring, who was that moment approaching from the garden, her step hurried, and her countenance displaying agitation, which was increased the moment she beheld him.

“Oh, Mr. Hunter!” she cried, running eagerly towards him, “I am very glad to see you, and I am glad we are alone. We are all going mad here at the Folly, and it is right you should know

it. You have—I am ashamed to say it, for I know you have not deserved her dislike—made an enemy of my cousin Harriet; the strangest suspicions have entered her head; and she may offend you, unless you are put on your guard. You must forgive her: by and by, you will laugh at her folly, and so will she; but at present she seems half-distracted by the events of the day, the disasters of her father, and her fears for the future. Did you not meet her? Alas, she will be here in a moment!"

"Fear not," said the young man, in hurried and altered tones, but with an effort to be jocose; "she is down by the park-gate, studying the stars, and reading my own foolish history among them. Miss Catherine,—Miss Loring,—I am aware of your friend's dislike. I am not surprised—she will tolerate your having no friend less interested than herself."

"You must not speak thus, Mr. Hunter," cried Catherine, but in too much hurry of spirits to rebuke. "I did wrong to show you her letter: *that*, I fear, is the chief cause of her anger; and your being a stranger, and so great a favourite with my father—oh, and a thousand reasons more she has found, or fancied, for supposing you are—that is, that you have deceived us, and that"—

"That I am—an impostor," said Hyland, hesitating an instant at the word, but pronouncing it at last firmly.

"Such is indeed her strange aberration," cried Catherine, apparently overjoyed that the idea so repugnant to herself, had been conceived by the suspected person, and without distress or anger; "and,—and—but this is the maddest and most insulting suspicion of all, (yet you must not be offended :)—she thinks, you—really, I could laugh, but that she has frightened me half out of my wits

—she thinks, you are even a tory in disguise!—a refugee,—(ah, now I have said it!)—a comrade of these wild and lawless men, come to spy upon us, and murder us—(is it not too ludicrous?!)—a spy, an enemy, a traitor—nay, even a Gilbert—a Hawk of the Hollow! I *can* laugh, now that I have said it. And now, too, I am sure you will not be offended, the suspicion is so very ridiculous: yes, I am sure you will forgive her."

"I do," said the young man, sadly and falteringly, "for her suspicion is just,—at least, it is just in part—I *am* an impostor."

"Heavens!" cried Catherine, "what do you tell me?"

"That I have deceived and imposed upon you—at least in name. I am neither spy nor refugee, indeed, neither cut-throat nor betrayer,—but I am Hyland Gilbert, a son of him who built this house, and a brother of those whose name fills it with horror. Miss Loring, Miss Loring!" he cried, impetuously, seeing that Catherine recoiled from him with terror, "is the name so dreadful even to you? In nothing else am I criminal—do you think I would do you a hurt?"

"Surely not, surely not," cried Catherine, gasping almost for breath, and speaking she scarce knew what: "I do not think you would hurt me. No, oh no! I have done you no harm, and my father has been good to you."

"For God's sake, Miss Loring—Catherine—compose yourself," cried the young man, both amazed and shocked at the impression his words had produced on a mind almost unhinged by long and brooding sorrow. "What, *I* harm you? I would die to protect you from the least evil."

"And you are a Gilbert, then? a foe to the land of your birth, a disguised enemy, an associate of thieves and murderers?" cried the maiden, with

sudden energy, and in a passion of tears; "oh, Mr. Hunter, I thought better of you!"

"Think better of me yet," he exclaimed, catching her by the hand, "for as there is a heaven above us, I have done nothing to deserve your hatred. All that I have done—and it is nothing but concealment—was to do you service, and to obtain your friendship."

"Go—stay no longer here—you must come no more," cried Catherine, weeping bitterly; "and would you had never come, for I thought you were my friend—my friend, and my poor father's. I don't believe you are a bad man, or that you will do a wrong to any one; but you must go. Yes, go," she added, wildly, "for you are in danger. They will arrest you; and then what will become of you? It was Harriet's talking of this,—of arresting you,—that made me tell you, that you might show her how much she was deceived. Go, go! and never return more. A moment, and the officers will be here: Harriet has sent for them. Go, Mr. Hunter, go!"

"I will not, Catherine," cried the youth, giving way to the most vehement emotion: "I know that they are sacrificing you; and I will remain till you are rescued, come what will. You hate this young Falconer; you do, Catherine,—you cannot conceal it: he is unworthy of you—he shall never marry you."

"You will drive me mad! For heaven's sake, Mr. Hunter—is this the way to show your friendship?"

"My love, Catherine, call it my love. I love you, Catherine Loring, and I will save you, even against your will. Say that you hate Henry Falconer, the wretched son of a still more wretched father—say that—nay, place but your hand on mine, and you shall"—

"Never!" cried Catherine, wildly; "I love you not—I hate you! Release me. Is this the way you repay my father's good deeds? Go, Mr. Hunter: you have made me more unhappy than before."

"I will make you happy, Catherine. I have wealth—nay, and reputation, Gilbert though I be. I will go to your father, I will demand you at his hands"—

"Kill me, first—kill me, rather than speak to me thus!" cried the unhappy maiden, in unspeakable agitation. "Is this the way to talk to me? You should know better, for I am to be given to another. Oh, that you had never come to our house! Go—I forgive you—I will tell nobody. If they find you, they will kill you: Harriet has shown me they can take your life. Hark! they are coming! I hear their voices! I hear my father's! I forgive you, Mr. Hunter; yes, I forgive you—but I will never see you more! no, never!"

"Catherine!"—

"Never! I swear it—never, never! I am vowed and betrothed. If you stay longer, I shall die! Oh, have pity on me, and go: have pity on me, for my father's sake,—pity, pity!"

These wild and hysterical expressions were concluded by a shriek; for at that moment the ill-fated girl, who had been all the while struggling, though feebly, to make her way into the little saloon, beheld Miss Falconer, followed by her father and the young lieutenant, rush into it. As she screamed, she burst from the grasp of the impassioned lover, and, running forwards, threw herself into the Captain's arms.

"Oh, the hound! the villain!" cried the veteran; "he has been killing her! Shoot him down, run him through, knock him on the head! Here, you Aunt Rachel! Phœbe! Daphne! Dick! Soph! and the

squad of you! Oh lord, Harry, my dear, the dog has murdered her!"

"No, father, no, no, no!" cried the maiden, clinging, almost in convulsions, to his neck; "I am very well, father,—a bat flew in my face,—a snake came into the garden, and I don't know what! But it is very foolish, father,—I am always very foolish!" And with these incoherent expressions, in which even the whirl and tumult of a suffering heart could not repress an instinctive effort to distract notice from the young man in the garden, she fell into a state of pitiable prostration, which engaged the whole attention of her father and kinswoman.

CHAPTER III.

Will you walk out, sir?
And if I do not beat thee presently
Into as sound belief as sense can give thee,
Brick me into the wall there for a chimney-piece,
And say,—I was one o' th' Cæsars, done by a seal-cutter.

RULE A WIFE AND HAVE A WIFE.

In the meanwhile, Herman,—or Hyland Gilbert, as he must now be called,—(so soon as he beheld the maiden, wooed so wildly and vainly, fly to her parent for refuge,) turned from the illuminated path, and taking advantage of his previous knowledge of the garden, soon succeeded in making his way out of it, and, as he thought, without being observed. He hurried through the park, torn by a tempest of passions, and had almost reached the gate, when he was suddenly roused by a tap on the shoulder, which brought him to a stand. The moon had set, and the light of the stars, breaking through ragged clouds, was not sufficient to make him acquainted with the visage of the intruder; but the first word of the salutation that accompanied the touch, told him he was now confronted with his rival.

“An excellent good night to you, my fine hail-fellow-well-met!” cried Harry Falconer; “you’ll be jogging, will you? A word in your ear: there’s star-light enough to be civil by, soft moist grass for sleeping on, and, gad’s my life, as good barren clay at your feet as ever gentleman rotted under. Now you may be surprised to hear it, but I have the prettiest pair of pistols in my pocket that were

ever made for a lady's finger; somewhat dwarfish, to be sure—but, egad, as good, at six paces, for blowing one's brains out, as a battering piece at point-blank distance. So douse kit, as the cobbler says, and let's begin.—Harkee, sir, no skulking! Don't put me to the painful necessity of calling hard names. No sneaking!"

"You are a fool," said Hyland, sternly. "If you will renew your quarrel, come to me in the morning."

"By your leave, no," said the lieutenant, laying hand on his collar. "As to being a fool, adzooks, as the Captain says, I am, or *was*, for supposing you an honest, respectable sort of a vagabond young man; whereas, on the contrary"—

"Remove your hand, or—Well, sir," cried the young Gilbert, "what will you have? Must I cut your throat? Trust me, my fingers have been itching to do it all day; and, at this moment, they are hotter than ever. Begone, therefore, while you may, and while the devil is yet behind me. This is no time nor place for quarrelling."

"The best in the world," said the officer; "and to end your scruples at once, know that I give you choice only of two alternatives. Being a cursed Hawk-Hollow Gilbert"—

"Hah!"

"You have a certain claim to the gallows; but being also an exceedingly well-behaved, genteel, handsome young dog, who have done me the honour to court my sweetheart, you have an equal claim to die in a gentlemanly way. So take your choice—a pistol, six paces, and a shot at *one-two-three*; or yield yourself a prisoner, and die by a drum-head court-martial."

"What if I say,—Neither?" replied Gilbert. "Away, molest me not." And he turned again to depart, but was again arrested by the hot soldier.

"Oh, gad," cried this worthy, "one thing you must say."

"Look you, Mr. Henry Falconer," said Hyland, with a trembling voice, "I have never yet harmed a human creature, and I would not willingly hurt even you, though I have a double cause to wish you ill. Provoke me no farther. You have been drinking, and are now beside yourself."

"Never think it," said the lieutenant, dropping his tone of bagatelle, but speaking with characteristic impetuosity. "You have presumed to be impertinent to a certain lady, who shall be nameless; for which reason I will forget that you are a low and contemptible scoundrel, worthy only"—

"Give me the pistol," said Hyland, "and your blood be on your own head. I will abide no more from the son of your father."

"Spoken like a man," cried Falconer, instantly stepping off six paces on the grass, and counting them aloud as he stepped. Then turning, he added, with a furious voice, as if giving way to his passions, "Now, you rascal, prepare to fire as soon as you hear me count three; and if I don't teach you manners, you gallows dog, may I never more smell gunpowder. Ready, you rogue! fire! One,—two,—three!"

The instant the last word escaped his lips, he fired his own pistol, and Hyland staggered backwards, as if the shot had taken effect. Immediately recovering himself, however, he cried, with an agitated voice, "Let that satisfy you—I will not hurt you," and threw his own undischarged weapon away. The act of generosity was not appreciated by his rival, who, inflamed by a rage to which he seemed now to have given himself up, uttered an oath, and whipping out the sword he

always carried at his side, rushed upon him, crying, "Villain, you don't escape me so easily!"

Thus attacked, and with a fury that seemed to aim at nothing short of his life, Hyland, who was entirely without arms, avoided the lunge aimed at his heart, and immediately closing with his adversary, they fell together to the ground.

In the meanwhile, the pistol-shot had reached the ears of the captain of cavalry, and one or two of the late banqueters, who were, at that moment, making their way to Gilbert's Folly, in obedience to a summons from Miss Falconer, which, although meant only for her brother, the domestic entrusted with it, had communicated, in his absence, to captain Caliver. It found that worthy gentleman, as well as all others present, somewhat incapable of understanding it; but as it related to the Hawks of the Hollow, and seemed to require the presence of the lieutenant or his friends at the mansion, it was obeyed by all, not even excepting the gallant Ephraim; although, as it afterwards appeared, this mysterious individual had, after setting out, separated from the party, which was now but three in number.

"By the eternal Jupiter!" cried Caliver, toiling and stumbling up an ascent that led to the park-gate, as the sudden explosion, followed immediately after by angry voices, broke the solemn silence of the night,—"by the eternal Jupiter, halt!—there's the tories! They're beating up the old cock's quarters!"

"Let us retreat," cried one of his attendants, "and get our horses."

"Halt—hark!" exclaimed the soldier, "there's Harry Falconer's voice! the dogs are murdering him! Prepare to charge, and hold your tongues.—Now follow me, and I'll have a whole regiment on them.—Halloo!" he cried at the top of his

voice, as if really calling upon a competent force of both horse and foot; "Make bayonet work of it, you light-infantry dogs! Horsemen, over the fence, and surround the vagabonds!—No quarter!—Double quick-step, march! Charge the villains!" And with this valiant stratagem, the officer ran boldly up the hill, followed by his two companions, —though not until they had heard behind them, or fancied they heard, the clatter as of a party of horsemen descending the hill they had already left.

As Caliver rushed into the park, he again heard the voice of his friend, and rushing up, beheld, to his great amazement, the band of tories dwindled into a single individual, lying across Falconer's breast, and in the very act of transfixing him with his own weapon.

"By the eternal Jupiter! what means all this?" he cried, dragging Hyland off his prey. "What! my jolly gentleman-volunteer, hah! What means this, you absurd young cut-throats?"

"It means," cried Falconer, rising and darting at his foe with unexampled fury, "that I've nabbed a tory lieutenant, and I'll have his blood!"

He took his adversary at a disadvantage, for Hyland was still held by the captain; and before this bewildered peace-maker could interfere, the combatants were again rolling together upon the ground, only that their positions were reversed, for Falconer was now uppermost, and armed with Caliver's sword, which he had snatched out of the captain's hand, not knowing, nor indeed caring, what had become of his own.

At this juncture, a new feature was given to the battle-field. "Enemies!" cried Caliver's two attendants; and the cry was echoed by a fierce yell, like the war-whoop of a savage, coming from the gate, through which galloped they knew not how

many dusky figures, looking to the eyes of the revellers like the fiends of darkness themselves. The astounded captain, deserted in a moment by his attendants, looked up, and beheld with still greater amazement, the apparition, as it seemed, of Ephraim Patch astride his gallant gray; only that this impression was put to flight by the spectre urging the steed right upon him, crying at the same time in a voice of thunder, "Down with the rebel dogs! trample them to death!" and the next moment, the unlucky officer was struck to the ground by the blow of a hoof, and there lay insensible.

"Victory!" cried the valiant rider, springing from his steed, and cheering his companion (for he had but one,) who was at that moment dashing after the two volunteers. "Victory!" he exclaimed, rushing towards the original combatants, and immediately proceeding to knock young Falconer on the head with the butt of a pistol, crying at the same time to Hyland, whom he assisted to rise, "Up, brother actor and Hawk of the Hollow,—'my name is Harry Percy!' 'The trumpet sounds retreat, the day is ours!'"

"Good God!" cried young Gilbert, bending over his adversary, "you have killed him!"

"Quarter!" murmured the lieutenant, faintly, "quarter, if you be Christian men!"

"Hell and furies!" cried Ephraim, thrusting the pistol into his face, "you die, were you the king's son!" and he would have killed the unlucky youth on the spot, had it not been for Hyland, who dashed the weapon out of his hand, exclaiming, "Touch him not, on your peril!—What! can you stand?" he added, addressing Falconer: "Away—you are safe. You would have taken my life—I give you yours. But, remember, Henry Falconer," he whispered in his ear, as he led him a little way, "remember *this*: you are seeking Catherine Loring

against her will. If you persist, it were better for you had you never been born. Away with you, ere those come who will not be so merciful."

The young officer, confused by the blow he had received, and perhaps terrified by the appearance of enemies so unexpected and of a character so incomprehensible, stole away and concealed himself among some neighbouring bushes. He heard the crash of hoofs over the avenue, as if he who had chased away the volunteers, were now returning to his unknown companions, then a murmur of voices, and finally a renewed sound of horses' feet, whereby he perceived that the midnight assailants had left the paddock. He then crept from his concealment, and made his way towards the mansion, to which, as was evident from the flashing of lights in the windows and on the porch, the alarm had been already communicated.

CHAPTER IV.

And I remember the chief, said the king of woody Morven: I met him, one day, on the hill; his cheek was pale; his eye was dark; the sigh was frequent in his breast; his steps were towards the desert.

CARRIC-THURA.

A MONTH swept over the valley, and found it restored to its pristine quiet and loneliness. The confusion resulting from the developements of the eventful 4th had subsided, and men began to remember the occurrences of that day almost as a dream. Had the refugees really been in the Hollow? The discovery of Parker's body,—the recovery of his last letter, which had remained in Hyland's hands in the hurry of separation from his brother, to be, by a natural fatality, converted into testimony against himself,—the nocturnal scuffle in the park, from which captain Caliver and the junior officer had come off with injuries, though not serious ones,—and, finally, the sudden disappearance of the painter and the eccentric Ephraim,—were the ~~only~~ evidence to establish the truth of such a visitation. No outrage had been perpetrated either upon life or property; nor could the keenest search of the county volunteers, assisted by several detachments from the lines, sent to scour the whole country, detect a single vestige of the audacious outlaws. That they had fled was manifest enough, but how and whither no man could tell. It appeared from the letters of Parker, that the chief object of Gilbert's return to his native valley was the rescue of young captain

Asgill, of whom we have before spoken, out of the hands of his jailers; and it is now well known, that, among the devices to secure the life of this unfortunate captive, ‘a plan was, in case of the worst, arranged for his escape,’ and secretly persisted in, until it became evident that the humanity of the American Commander-in-chief was his truest safeguard. There remained, therefore, no longer occasion for the services of Oran Gilbert, to whom an exploit of this nature, requiring a man of crafty and daring spirit, had been so properly entrusted; and it was at first hoped, and then confidently believed, that he had withdrawn entirely from the neighbourhood, and, after disbanding his followers, returned, in spite of the vigilance of his foes, to New York; and, indeed, certain secret intelligence was received from that city, that he had been long since ordered to return, the project of rescue being now as unnecessary as it was hopeless of success. That he had committed no outrage upon the unprotected inhabitants of the county was supposed to be owing not more to the necessity of avoiding all acts that might give the alarm, and so draw attention towards him, than the positive commands of the British Commander, whose course in the present conjuncture of affairs, was to the full as forbearing as that of his enemy.

These considerations restored confidence to the county; and nothing remained for the good citizens but to weave the chain of mysterious circumstances attending the visitation into a web of wonderful history, and to speculate upon the character and fate of the painter and honest Ephraim. As for the latter, ingenuity was for a long time at fault, until the story of Mr. Leonidas Sterling became generally known; when an opinion, hazarded at first almost in jest, grew into a settled belief,—namely, that these twain were one and the same

person, and that he who had deceived so well as the ranting preacher, had deceived still better in the semblance of the zealous quaker. The successful *fourberies* of this modern Scapin obtained for him a higher degree of credit than he had ever won, while contracting his genius into the representation of the kings of fiction; and he was remembered and spoken of with a degree of good humour, that perhaps explained the unwillingness of his city friends to proceed rigorously against him, when his treasonable practices were discovered.

As for the young Hunter, or Gilbert, as he was now universally called, he was remembered with no such favour. To be a scion of the tory family, was enough to condemn him, even although (as had been the case) he might have passed his days afar from the contamination of his brothers' example, and shared neither in their acts nor their hostile spirit. But to be an associate,—an officer of the very gang commanded by Oran,—was a sin of inexpiable die, to which a double blackness was given by his dissimulation and audacity. He had resided among them as a friend and brother, and yet was all the time playing the part of a spy and betrayer; and he had capped the climax of effrontery by taking part in the jubilee of liberty, and even profaning with hypocritical lips the sacred manifesto of Independence,—or so, at least, he would have done, but for the interruption caused by Oran's appearance. This seemed to them little short of impiety, a sacrilegious mockery, indicative as much of his contemptuous disregard of the holy instrument as of his daring character. In this spirit of indignation they proceeded to canvass his whole history, raking up every little act that could be remembered, and perverting each into a manifestation of villainy; the worst of which

was his attempt to carry off Captain Loring's daughter,—for so much they made of his parting interview with the young lady,—and then, being baffled in the base attempt, waylaying and attempting to murder her affianced husband. In a word, he was proved to be a monster of treason, perfidy, and ingratitude; and few had the courage, fewer still the disposition, to say a word in his defence. It must be confessed that Dr. Merribody once, in a fit of unusual generosity, declared to a whole throng of raging villagers, ‘that the scoundrel was an honest man and a gentleman after all, for he had faithfully paid his bill, and even asked for it, before it was presented;’ but this impulse of magnanimous friendship vanished when he came to remember how much he had been imposed upon in relation to the youth’s true character, by some deception Elsie Bell thought fit to play upon him, under colour of admitting him to the secret. The poet also, who, in the loss of Hyland, wept that of his warmest admirer, contended ‘that he sang better, and had a more refined literary taste, than any body he ever knew.’ Nay, even Captain Loring, who had begun to esteem him as the apple of his eye, was converted into a furious foe, which was owing, in a great measure, to the discovery of the young man’s political inclinations, though his anger was sharpened and augmented by Miss Falconer, who took occasion, for a purpose of her own, to reveal what the Captain had never dreamed of himself. She gave him to understand, what was indeed nothing more than true, that his ungrateful protégé had endeavoured to detach Catherine’s affections from her brother, and divert them upon himself,—an assurance that infuriated the old soldier, whose wrath was not much mollified when Miss Falconer succeeded in making him aware how much his own extravagant patronage

of the impostor might have been construed into almost positive encouragement of his presumption. But bitter as was the worthy veteran's anger, it was as capricious as his love had been. Whenever he laid his eyes upon the unfinished painting, which he commonly did a dozen times a day, he would begin to bewail and admire together, and swear 'that his young Haman What-did-ye-call-it, for all of his roguery, was the finest painter that was ever known; and, adzooks, he thought there must be some mistake about his being a tory and a Gilbert.'

The occurrence of these incidents had naturally made the poor widow an object of suspicion, as having connived at the presence, and aided in the concealment and flight, of the outlaws; and she was even threatened with the vengeance of the law, until Harry Falconer, to the surprise of every body, stepped forward as her champion, and made such interest for her as left her again in her lonely and quiet desolation. Whether this display of generosity was prompted by his own erratic feelings, or was derived from the secret influence of the Captain's daughter, Elsie knew not. Catherine visited her no more; and within a week after the explosion of the 4th, she left Hawk-Hollow with her friend Harriet, and was absent for a considerable period. Elsie saw her, as the carriage rolled by; her face was very pale and haggard, as if she had been suffering from sickness. When she returned, young Falconer and a brother officer, both mounted, pranced along at her side. She looked from the carriage as she passed, and kissed her hand to the widow, while her eye sparkled as with its former fire. But Elsie beheld her not; as she looked up, her eye caught the outlines of a dark and stern countenance behind that of Cathe-

rine, on which were the traces of age and broken health.

She started from her seat, and gazed eagerly after the rolling vehicle, but it was soon swept out of sight. She remained upon her feet, until she had seen it enter the park, and draw up before Captain Loring's door, when she again sunk upon her chair, muttering to herself:

"I saw him last a black-eyed boy, with a cheek like the rose-leaf, and hair like the wing of a crow; and now he comes with a cheek as withered even as mine, and locks frosted still whiter. So let it be with the villain; honour may fall on the snowy head, but what lies in the bosom? And can he walk over the knolls where Jessie walked, and smile on those around him? There is thunder yet in heaven, and a long reckoning yet to settle. Ah well, ah well, we shall see what we shall see, and I shall live to see it; for she cursed him in her death-gasp; and I cursed too, and I prayed God I might live to see the two curses light upon him together; and together they will light, and I alive to see it!" And muttering thus in one of those occasional moods of darkness which had, perhaps more than any thing else, served to fix the stigma of the sibyl upon her, Elsie gathered up her wheel and spindle, and retreated from her favourite seat on the porch, to which she returned no more during the day.

The person upon whom she invoked this malediction was the father of Miss Falconer, who, with Catherine and himself, made up the contents of the carriage. As he stepped upon the porch of Gilbert's Folly, from the vehicle, and received the rough welcome of Captain Loring, it was with a firmer bearing than would have been expected from his apparent age and infirm health. He was of tall stature, and, although greatly wasted, pre-

served an erect military bearing. His countenance, though hollow, withered, and of the sallowest hue, was, even yet, strikingly handsome, and his eye was of remarkable brilliancy, though of a stern and saturnine expression. His brow was very lofty, though not ample, and his mouth singularly well sculptured, and indicative of decision. On the whole, his appearance was at once commanding and venerable; and even those who were freest to whisper the tale of early profligacy and maturer corruption, could not deny him the deference due to his gentlemanly air and deportment. A close inspection of his countenance would have revealed no traces of the workings of an unquiet spirit. The first glance showed him to be of a temper thoughtful, reserved—nay, severe and moody; but the second could discover no more. A perfect self-command, a mastery not merely of his countenance, but of his spirit, lifted him above the ken of petty scrutiny; and if he wore a mask in his commerce with men, it was like that iron one of the Bastile, which when put on, was put on for life, and was, at the same time, of iron. He was a man upon whom even his children looked with fear,—not that fear indeed which lives in constant expectation of the outbreaking of a violent spirit, but the awe that is begotten by a consciousness of the inflexible resolution of the spirit that rules us. This inflexibility is power, and power is ever an object of secret dread, even with those who love its possessor.

The austerity of his mind was not accompanied by rigid manners, nor even coldness of feeling. No one could be more courteous, and, at times, even agreeable, than Colonel Falconer. He received the welcomes of his kinsman with much apparent pleasure, and himself assisted Catherine from the carriage, and conducted her into the

mansion, congratulating her, with gentleness and kindness, upon her return. " Yet you must grant," he added, " that even the smoke of a city can sometimes renew the health, when the air of the country fails. I would I might profit by these mountain breezes, as I know you will, when you have once recovered from your fatigue. But let me see you but happy with my graceless Harry, I shall not complain of my own infirmities." —

On the third day after the arrival of Colonel Falconer, the solitude of Hawk-Hollow began to be broken by the appearance of divers carriages, filled with gay and well dressed people, the destination of all whom appeared to be Gilbert's Folly. A few individuals, the more favoured of the villagers, were seen mingling their equipages occasionally with the others; but it was plain that the majority of visitors were strangers, and had come from a distance.

The object of such an unusual convocation of guests at Gilbert's Folly, could not long remain a mystery; and indeed it was known, several days before, that it was to do honour to the nuptials of Henry Falconer with the daughter of Captain Loring. The wealth and standing of the bridegroom's father were sufficient to secure him the means of giving eclat to the ceremony, at a day when that ceremony was always one of festivity; and accordingly there appeared guests enough, and of sufficient figure, long before night, at the mansion, to convince those who took note of such circumstances, that it would be such a wedding as had never before been known in all that country.—And such indeed it proved; though not even the most imaginative could have foreseen from what unusual circumstances it was to owe its claim to be remembered.

Upon that day, while all others were laughing

and smiling, a deep and moody dejection seized upon the spirits of the bridegroom's father; and although he displayed his wonted courtesy in receiving his guests, (they should be considered *his*, for the bride was without kinsfolk, and her father had invited none to partake of his joy, save a few villagers,) the task of continuing to trifle with them during the entire day became intolerably irksome, and perhaps the more so that his habits had for so many years accustomed him to solitude and privacy. Worn out at last, he exchanged the noisy apartments of the mansion for the shaded garden-walks; until, finally, driven from these by an increase of his melancholy and the presence of a bevy of maidens, seeking flowers to decorate their fair persons, or perhaps that of the bride, he fled from them to the more unfrequented walks in the park.

"Why should *I* mingle with this mockery?" he muttered to himself, "and on this unhappy spot? Let me look upon those scenes I have not beheld for twenty-four years, and see if they have yet power to move me.—There are none here to miss me; and they will feel the freer and gayer, when frightened no more by my death's-head countenance.—I would the silly Captain had spared the poplar-row: and yet I know not,—the old white-oak, where—Faugh! that should be forgotten. There is something *new* at least in the forest. The shrubs have become maple-trees and beeches, the old oaks and sycamores have rotted in their places, and nothing is the same save the rocks and the water.—Why should I fear, then, to revisit scenes that have changed like myself? I shall never look on them again, after this day."

He composed his countenance into its ordinary expression of severe and frowning calm, and directing his steps through the grounds, as one fami-

liarly acquainted with their most hidden retreats, made his way towards the Run, until he had reached the path along its rocky borders, previously trodden by Catherine and his daughter. He even sat down under the sycamore, where Catherine had begun the story of the wild Gilberts, and his own early adventures; and here, as if there were something in the spot to conjure up such memories, he mused long and painfully on the same dark subjects. Perhaps, also, as he looked upon the turbulent water rushing at his feet, he pictured to himself the resemblance it bore to the course of his own life,—a current, which, although now sunk into the composure of a river just losing itself in the vast ocean, had dashed so long in a channel full of rocks and caverns.

‘Are not thy waters sweeping, dark, and strong ?
Such as my feelings were, and are, thou art ;
And such as thou art were my passions long.’

The current of his early life had been indeed as wild, as tortuous, as tumultuous, as that before him; and as he looked backwards upon its broken course, he saw that the freshes of passion had left as many ruins around it as now deformed the margin of the streamlet.

When he rose from his meditations, it was with a brow indicative of a deeply suffering mind; and as he strode onwards, still pursuing the course of the brook, a spectator looking at him from a concealment, might have detected on his visage the workings even of an agonized spirit, though it was observable, that, even in this solitude, where there seemed to be so little fear of observation, he still struggled to preserve an air of serenity. The roar of the waterfall fell upon his ear, and perhaps as the voice of an old acquaintance; it did not rouse

him from his dream of pain, but seemed, although he essayed to approach it, to plunge him deeper in gloom ; and he would perhaps have crossed the rustic bridge without being conscious of the act, had not his footsteps been suddenly arrested by a figure that started suddenly in the path, and recalled him to his senses. He looked up, and beheld a young man, in a hunting suit and leather hat, with the rifle and other equipments of a woodman, standing before him. The texture of his garments was coarse, and there was nothing in them to indicate any superiority in the wearer above the young rustics of the country ; but he wore them with an air of ease, a *savoir s'habiller*, by no means common to the class. His figure was light and handsome, and so was his face, though the latter was miserably pale and thin, and marked with the traces of grief, and the former considerably emaciated. As he stepped into the path, he dropped the butt of his rifle upon the earth, as if for the purpose of arousing the abstracted comer by the clash ; and when the Colonel looked up it was not without some alarm at opposition so unexpected.

"Fear not," said the young man, eyeing him with a mournful, yet steadfast gaze, "I design you no hurt."

"And why should you ?" cried Colonel Falconer, returning his gaze, with one that seemed meant to rend him through. As he looked, however, he faltered, turned pale, and thrust his hand into his bosom, as if to grasp at a concealed pistol. The act was observed by the stranger, and he instantly repeated his words,—

"Fear nothing,—at least fear nothing from *me* : I desire to serve you, not injure.—Accident, or Providence, has given me the means. You are Colonel Falconer?"

"And you?" cried the gentleman, with an agitated voice.

"I—what matters it what *I* am?" said the youth; "I am neither footpad nor assassin,—let that satisfy you. What do you in this place? Cannot even conscience make you wiser? Methinks, there is not a rock or a bush in this dark den,—there should not be a rustle of the leaf or a clash of the waters, but should tell you what you should expect, when treading the soil of a Gilbert."

"If you meditate violence, young man," cried Falconer, whose agitation visibly increased, the more he regarded the figure before him, and who now spoke with an emotion amounting almost to terror, "heaven forgive you. But heaven will not—there is no pardon in store for the young man who assails the gray hairs of the old."

"False, Colonel, false!" cried the youth, with a laugh of singular bitterness, "or surely you had never lived to tell me so. There was a man of gray hairs, Colonel Falconer, who once lived among these woods, and very happily, too; but a young man struck him, and struck him to the heart, Colonel; and the young man lived to have a head as white and reverend as he whom he slew! Yet fear not; again I say, fear not: I came to save, not to kill. Hear me, and then away. Begone from this place, and begone with such speed as becomes a man flying from a loosed panther. Mount your horse and away,—away instantly; and in return for the good deed of one who has perhaps saved your life, speak not a word to any human being of what you have heard and seen in this place."

"Stay," cried Colonel Falconer, recovering from his terror, yet speaking with a choking voice, "I owe this caution to a"—

"To an enemy," cried the other, turning from him.

"Stay, I charge you,—I command you,"—and as the Colonel spoke, in a sudden revulsion of feeling, he grasped the arm of the youth, who had already placed his foot upon the fallen sycamore, for the purpose of crossing the stream. To the surprise of Colonel Falconer, he discovered that even the strength of his aged arm was superior to that of the young man, who seemed to have been enfeebled by long sickness. He struggled to release himself, but not succeeding, he turned upon his captor, and shedding tears, said,

"If you will seize me, I have no strength to resist, nor any means of defence but this—and I will not use it." As he spoke, he cast his rifle to the earth. "You have but to will it, to complete the ruin you have begun."

"Alas, young man, unhappy young man," said Colonel Falconer, "I know you, and would compensate your humanity, if such it really be. You should not, at least, perish like the rest of your mad and infatuated brothers, and yet you are rushing upon the same destruction; you have not been gently nurtured, to live the life of a bravo and outcast. I have heard of you, of your generous acts —of at least one,—nay, two; for Henry Falconer confessed you had both spared and saved his life. I can save you, young man,—I can and will;—and,—think of me as you please,—I will do it for your father's sake. You were not meant for this dreadful life, on which you are embarking."

"Such as it is," said Hyland Gilbert, picking up his rifle, for the Colonel had withdrawn his hand, "I am driven to it by you and yours. Now, Colonel Falconer," he added, leaping on the tree, "mock me no more with a sympathy I despise as much as I hate him who offers it. I am not your

prisoner, and I will not be. I am weak and almost helpless—thank your son for that, and the skill that was exercised at the expense of one who had scarce ever fired a pistol in his life—I am weak, but I am armed and desperate. Follow me no further, for I trust you not. Follow me not, or be it at your peril."

He made his way across the bridge, but slowly and painfully; and Colonel Falconer observed more clearly than he had done before, that all his motions were laborious and feeble, and that, notwithstanding the arms he carried, he was entirely at the mercy of any one who chose to assail him. A thousand different feelings took possession of his breast, and among them pity for the unhappy condition of one, who, if he had inherited a deep hatred for himself, was not without a claim upon his feelings, and feelings deeper even than gratitude. He had been, of course, made acquainted with the extraordinary developements effected by the cunning, or perhaps the good fortune, of his daughter; and he was especially interested in the account of the discovery of the youngest Gilbert in the person of a young man, who, until that discovery was made, had so recommended himself even to strangers by the gentleness of his manners, and the apparent blamelessness of his life. Partaking little in the suspiciousness of his daughter, he judged the actions and character of the youth with more leniency and justice than others, though he kept his inferences locked up in his own breast; and, happily perhaps for Hyland, Miss Falconer had not thought fit to apprise him of what she deemed the presumption of the youth in becoming the rival of her brother. He saw in him, therefore, a young man in no wise resembling his fierce brothers, from whom he had been separated in early infancy, and one whom perhaps a mere

desire to revisit the scenes of his childhood had drawn to Hawk-Hollow; and he thought, with justice, that nothing but the revealment of a name universally detested, by exposing him to sudden danger, had driven the young man to seek refuge among men of blood, whom he would otherwise have avoided. The confession of Henry Falconer, (whose jealousy was rather wrath at the presumption of his rival than any unworthy suspicion of his mistress,) that he had fought a duel with the ‘confounded tory lieutenant,’ as he always called him,—that his antagonist had endured his fire, and although hurt, as he believed, had refused to return it,—and, finally, that he had very generously interfered to save him from one of the gang, who was on the point of blowing his brains out,—was additional proof to Colonel Falconer that this orphan son of a man he had deeply injured was not by choice among the refugees, but forced among them by the ill will and violence of his own children. The wrong he had done to one member of Gilbert’s family had, indirectly at least, produced the destruction of all but this one; and *he* was now on the point of sinking into the abyss which had swallowed the rest, though worthy of a better destiny, unless a hand were stretched forth to save him.

These considerations,—a memory of the wrongs he had done and the reparation he should make, together with the present prospect of the poor youth in a state that might make him the prey of any enemy who might meet him, and some sense of the generosity of the warning he had just given—excited Colonel Falconer’s feelings, and moved him with an impulse, which caused him at once to cross the brook, pursuing the fugitive, and intreating him to stay. Whether it was that his motive was misunderstood, and that the young man,

in the agitation of his spirits, supposed that he was followed merely for the purpose of being arrested, or whether it was because he found himself in a spot peculiarly calculated to arouse his most vengeful feelings, it is certain that he became excited to anger by a pursuit designed only in kindness. He clambered up to the little enclosure of the grave, and was about making his way through the narrow passage betwixt the two rocks; when, hearing the pursuer close at his heels, he turned round, displaying a countenance so fierce and intimidating, that it instantly brought the Colonel to a stand.

"Villain!" he cried, throwing aside his rifle, and drawing his knife, "God has sent you to your fate—you are treading on Jessie Gilbert's grave!"

If the words had been thunder-bolts, they could not have sooner unmanned his pursuer. He started, shivering from head to foot, and looking down, beheld the dreary hollow, from which some pious hand, perhaps that of Hyland himself, had plucked away the weeds, leaving the stalk of the rose-bush flourishing alone at its head.

"Oh, holy Heaven!" cried Colonel Falconer, dropping upon his knees, and wringing his hands, while he gazed with an eye of horror upon the couch of his victim, "the grave of Jessie Gilbert!"

"Of the mother and the babe!" cried the young man, advancing towards him, with looks of vindictive fury; "and here, gray-headed though you be, you deserve to die. To this place of shame, man of ingratitude! you consigned the victim of your villainy; and here it is fitting she should have her revenge."

But if Hyland Gilbert was a moment disposed to play the part of the avenger, it was only for a moment. His wrath was instantly disarmed by a burst of grief from the wronger, so overpower-

ing, so agonizing, that he at once forgot his dreadful purpose, and felt himself melting with commiseration.

"She has had—she has had her revenge," cried the wretched man; "death had been too cheap a retribution, and therefore it has been ordained in a life of misery,—and *such* misery, oh heaven! Would to God I had died in her place, though it had been with a world hooting me to the scaffold. Yes, Jessie, I *am* a villain, and thou knowest, how much greater and viler than ever was thought, even by thee. But thou shalt have justice," he added, beating his breast, "yes, thou and thy murdered babe, though I give up my children to be sacrificed to thy memory."

"My father was right," muttered Hyland, as the foe of his family poured forth the wild expressions of a remorseful spirit; "he charged me to leave the destroyer of his peace to God and his fate; and God has made his fate an existence of retribution.—Arise, Colonel Falconer," he added, sternly; "profane this holy resting-place no longer with the mockery of repentance. Fly, and secure your wretched life for further remorse; for here it is in a danger of which you do not dream. Begone, and remember what I charged you—Hah! do you hear?" he cried, as a whistle as of a bird came from the forest behind and below the rocks. "Up for God's sake!" he cried, seizing the penitent by the arm, as if fear had supplied him with new strength, and hurrying him across the brook. "Begone, or you are a dead man. To the bushes, quick—to your horse, too, or your carriage. Dally not a moment, but begone. Say nothing of what you have seen or heard; and fear not for your children or friends—no harm is designed any of them. Away—save your own life, for no other is in danger."

With these charges, pronounced in the greatest haste, he took his leave, recrossing the brook, while Colonel Falconer, torn now as much by fear as he had been a moment before by anguish, fled through the wood, and over the hill, until he had reached the mansion. Here calling for his servant, and ordering a horse to be saddled instantly for himself, and another for the attendant, he prepared to leave the house, which he did in a few moments, and almost without being observed, the wedding-guests having retreated to the garden and the pleasant walks behind it.

CHAPTER V.

The bridegroom's doors are open'd wide,
And I am next of kin;
The guests are met, the feast is set,
May'st hear the merry din!

COLERIDGE—*Ancient Mariner*.

THE Colonel galloped through the park and down the hill, until he had approached nigh enough to Elsie's cottage to see that its porch was darkened by the bodies of several men, moving about in what seemed to him extraordinary commotion. He grew pale, and finally, drawing up his horse, beckoned to his servant, a young and active mulatto, with an exceedingly bold and free visage, to approach:

"Give me the larger pistols, Reuben," he cried, "and do you take the smaller holsters—'Pshaw, they are fiddling and dancing! It is nothing.—Follow."

He resumed his course, and drawing nigher to the little inn, saw that the group, which he at first eyed with trepidation, consisted of his own son, and two or three young gentlemen of the bridal party, with a man of strange and even ludicrous appearance, from whom they appeared to be extracting no little diversion. He was a tall man, with a French military coat of white cloth, faced with green, and on his head a chapeau-de-bras, which was, at that time, though the common cap of the Gallic auxiliaries, esteemed quite a curiosity in the confederacy. Instead of a white underdress, however, he had on breeches of broad blue and

white stripes, which, being very tight, gave a pair of legs more remarkable for brawn than beauty, an appearance quite comical, and the more especially that they were decked off at the extremities with rose-coloured shoes, and were kept moving about as briskly as those of a house-fly or a monkey. In the particular of shoes, as well his silver-fringed rich waistcoat, and a cane with a head half as big as his own, he bore no little resemblance to the valet-messenger of a French field-officer,—a sort of humble aid, whose business was to fetch and carry written orders in a review, but who was sometimes mistaken by our simple-minded ancestors for a general-in-chief, in consequence of the splendour and gravity of his appearance; and such a menial Colonel Falconer supposed him to be, discarded by his late master, or driven from service by that sudden spirit of independence so apt to appear in foreign servants, when brought to the land of liberty. Besides his cane, he had a fiddle and bow in his hand; and from these, as well as the prodigious grace, restlessness, and activity of his motions, it was judged that he had betaken himself, in his distresses, to that honourable profession, to which three-fourths of the wanderers of the Grande Nation seem to have been born,—in other words, to that of the dancing-master. It did not seem, however, that he had yet profited much by the change of profession, for his attire was in somewhat a dilapidated condition, and his cheeks pinched and hollow. Such as he was, however, he seemed to be the happiest creature in existence; and as Colonel Falconer drew nigh, he saw that he was one while engaged flourishing his bow, the next his leg, and ever and anon his tongue,—the last with intense volubility,—as if in spirits irrepressibly buoyant and exuberant. The unruly member was hard at work, as the Colonel ap-

proached, and had it not been for the clatter of his horse's feet, he might have heard him deliver the following highly flattering account of himself:

"Yes, Missare Ou-at-you-call-it, and jentlemans, I am a man of figure in mine own land; and you laughs, par de deb'l! I come invite myself to de marriage, *néanmoins*, juste like Ménélas in l'Iliade d'Homère, *mort de diable*, *parce qu'il etait* jentleman. You are soldiare! *Et moi*, by mine *honneur*, and so am I; for *autre fois, jadis*, (ou-at de deb'l you call him?) I use de sword for de violon, ride de horse, chargé *sur mon ennemi*, in ou-at you Shakaspeare call de 'war glorieuse.'--

'Ah! cruel souvenir de ma gloire passée!
Œuvre de tant de jours en un jour effacée!'

Yes, missares, I am gentleman-soldiare, ou-id fiddle. How de deb'l you make mariage wi'sout de fiddle, *l'aimable violon, l'instrument des amours?* Ecoutez! you s'all hear. How de ladies and jentlemans s'all dance when dey hears, '*Qu'elle est grande, qu'elle est belle!*'--And, in a rapture, he forthwith began sawing his instrument, and singing, with a voice exceedingly cracked and enthusiastic, the words of the old chorus of shepherds,

'Ah! qu'elle douce nouvelle!
Qu'elle est grande! qu'elle est belle!
Que de plaisirs! que de ris! que de jeux!'

nor did he cease, even when the merriment of his auditors became as uproarious as his own harmony.

In the midst of the chorus and the laughter, young Falconer looked up, and beheld his father, who had suddenly checked his horse at the entrance of the little oak-yard, and was looking towards him. He was struck with the unusual agi-

tation of his parent's countenance, and ran towards him; but before he could speak, the Colonel demanded quickly, as if with an effort to change the current of his own thoughts,

"What do you here, Henry! Is this a place, is this a sport for a bridegroom?"

"'Pon my soul, pa," said the hopeful son, "I find it more agreeable than up among the tabbies. This fellow, this Monsieur Tiqueraque, as he calls himself, is decidedly the most agreeable person I have seen to-day,—a gentleman fiddler, who swears by all the gods of a Frenchman, he has trudged twenty miles on foot, to have the honour of dancing at my funeral—that is, my wedding; but the lord knows, pa, you look as solemn as if to-day was to be the end of me. Pray, sir, what is the matter? I hope you are not offended? Egad, sir, I am acting under orders,—under Harry's, who has taken as much command of me as if she were my wife, instead of my sister. She ordered me away, to be out of Catherine's sight,—the lord knows why, but women are all mad, and I think Catherine is growing as whimsical and absurd as the rest."

"Get you back to her, notwithstanding," said the father; "a maiden is privileged to be capricious on her wedding-day. Get you back; your absence is improper. And hark you, Henry, my son—delay not the ceremony on my account: the clergyman must be now on the way, and will soon arrive. Wait not a moment for me. A sudden affair, not to be deferred even to the nuptial rite, calls me to Hillborough:—Say thus much to Captain Loring and the rest; say that I will be back within a few hours; and add, that I charge them not to delay the ceremony a moment for me. God bless you, my son—I must away."

So saying, he put spurs to his horse, and followed by Reuben, was soon out of sight.

"Well done, dad!" cried the young soldier, staring after him; "I wonder what's in the wind now? He has seen one of his spectres, I warrant me.—Adzooks, as the Captain says, if one were to believe that Reuben and black Joe, they are thicker in our house, about two in the morning, than is comfortable,—especially in dad's chamber. Won't stay to the wedding? why that's comical, egad! But that's his way. Well, now for that mad fool, Tiqueraque: he shall have his will, were it only on account of his striped breeches; he shall go among the fiddlers, though, gad's my life, he saws like a knife-grinder. I never saw two such legs before: egad, I beg my pardon, I did! 'List, list, oh list!' Such legs in Hamlet! Well God bless us, and by the eternal Jupiter, as Caliver says, I had no idea it was so stupid a thing to be married. "*Eh bien, monsieur,*" he added, turning to M. Tiqueraque, "I have no doubt you are a gentleman born and bred; so, gad's my life, you shall fiddle at the wedding, and get drunk into the bargain; but, by the eternal Jupiter, you must not be in a hurry!"

"*Si fait, monsieur,*" cried the wanderer, drawing a note of indignation from his instrument; "*Mort de ma vie, dronk!* I s'all do no such sing. But I s'all see de leddees?" he added, in a transport that quite dispelled his temporary wrath. "Ah, Missare Ou-at-you-call-him, I s'all be very happy now! I love de leddees, *particulièrement* de leddees of figure, and not the contree *pauvrettes*, wis big feet and te'es like de old horse.—*Ah ça, I s'all be very happy, and I s'all sharge only two dollaré.*"

"Bring him along Tom, fiddle and all," cried the bridegroom,—"and, you Ned Cascable-nose, if you love me, gad, steal somebody's horse, ride down the road, and see what the deuce has become of the parson. We can get married very

well without dad; but, adzooks, as the Captain says, a parson is quite essential. I swear, gad's my life, 'tis a very ludicrous thing, one's wedding-day."

And thus, as the party bent their steps towards the mansion, rattled the bridegroom, a youth of the lightest heart and emptiest head in all Pennsylvania, of a mind entirely too contracted for eccentricity, yet full of those foibles of character which commonly pass for such,—incapable of any stretch of sentiment or elevated emotion, and indeed rude, boisterous, and unreasonable of manners,—yet with a certain native good-humour and spirit prevailing through all his acts and conversation, that recommended him to the favour of such as were not choice in their friendships, and preserved him the affection of those whom the ties of relationship compelled to love. Such was the man whom Colonel Falconer, or rather his daughter, (for she was the guiding and ruling spirit throughout the whole attempt to unite such adverse elements together,) had chosen as the husband of Catherine Loring; and the inhumanity of the choice was rendered excusable only by the natural desire she had to contribute to his happiness, and the undue importance she attached to those good qualities he really possessed. Still the attempt was cruel, for it set at naught the disinclination of one whom feebleness of character, a sense of destitution, operating, however, only through the person of a bereaved parent, a knowledge of *his* desires, and a consciousness perhaps that it was too late for escape, had put into her power. It is not to be supposed that Miss Falconer saw, that in effecting her brother's happiness she was destroying that of her friend; or that seeing it, she would have persisted in her object. On the contrary she was sincerely attached to Catherine, and fully believed she

was consulting her welfare, though at the price of some temporary pain. It was her peculiar disposition to pursue every object with an avidity and resolution that became the stronger for every interposing obstacle; and she willingly blinded her eyes to such difficulties as she was not forced to see. She turned her looks, therefore, from her friend's distresses, and soon ceased to believe that they existed. But the match was one not made in heaven, nor destined to be accomplished; and fate, in frustrating the whole ill-advised scheme, was preparing a heavy retribution for all who had laboured to promote it.

CHAPTER VI.

I come not for your welcome, I expect none;
I bring no joys to bless the bed withal,
Nor songs, nor masques, to glorify the nuptials.

BEAUMONT AND FLETCHER—*The Elder Brother.*

It was late in the afternoon when Colonel Falconer rode by the Traveller's Rest; and his disappearance, though accounted for in the apology he had commissioned his son to deliver, was considered the more remarkable, as within an hour's time the presence of the clergyman was expected, for whom captain Caliver and lieutenant Brooks, as two of the principal attendants on the bridegroom, had gone in great state. There were many conjectures secretly hazarded as to the true cause of the Colonel's desertion, when the delay of an hour might have enabled him to discharge his duties to his son and destined daughter; and had Captain Loring been favoured with any jealous kinsmen, alive to the honour of his family, or been himself of a suspicious and cavilling mood, it is quite possible a defection so extraordinary might have caused some unpleasant feelings, and even an interruption of the ceremonies in hand. But such was not the case, and the matter was left to be canvassed by the friends and connexions of the bridegroom alone; who, after satisfying themselves that the Colonel had been summoned away by no sudden messenger, and that, if a necessity had really existed for his departure, it must have existed long enough previously to allow him time to

make his own explanations in person, agreed to attribute the proceeding to one of those fits of moody eccentricity, by which, it appeared, he was often affected.

By the time this subject of wonder was exhausted there arose another, which produced, in the end, still greater surprise and discussion than the other. This was the non-appearance of the clergyman at the appointed hour; and indeed the sun set, before any tidings were had either of him or of the officers, and then not until messengers had been sent off with led horses, on the vague presumption that some accident might have happened to the carriage on the way.

Another subject of discussion was the conduct of the youthful bride, who, although during the greater part of the day exhibiting uncommon spirits, and running over the grounds with other frolicsome maidens, herself the most frolicsome of all, yet displayed, on one or two occasions, a disposition to wander by herself, and even stray into the woods; and once, when she had strayed further than usual, and was pursued and arrested, she shed tears, though none could tell for what reason. As the time drew nigh when the clergyman was expected, she manifested a great unwillingness to be withdrawn by her bridesmaids, according to custom, but insisted she would walk in the garden, and that so obstinately, that it required all the influence Miss Falconer had over her to induce her to retire to her chamber; and here she wept so bitterly as to amaze and even alarm her youthful attendants. Her parent, however, being summoned to the chamber, she embraced him, dried her eyes, smiled, laughed, suffered a garland of snowy rose-bays, the latest of the season, to be fastened in her hair, and, so long as he remained in her sight, betrayed no other symptom of dis-

tress or agitation ; for which reason her late tears were remembered without surprise, as being natural to the occasion.

It was not until after nightfall that the clergyman made his appearance, with the officers. Accidents of a common nature, but unusual in number and fatality, had detained them on the way. First, they had broken down, before reaching the village, in consequence of the loss of a lynchpin, or some other essential atom in the economy of the coach ; then, after attempting to return, it was discovered that a horse had lost a shoe, and that some portion of the harness had given way. In short, their difficulties were of such a nature, that they were on the point of abandoning the carriage altogether, to seek some other conveyance among the neighbouring farms, when ‘ a very excellent, contriving blockhead,’ as lieutenant Brooks called him, came to their assistance, and inspired them with new hopes of accomplishing their journey. This was no less a personage than honest Dancy, of the Traveller’s Rest, who chanced to be returning from the village on foot, and was glad to offer his services, on condition of being allowed to ride home on the box with the venerable Richard. Nay, not content with again setting the vehicle in motion, he even volunteered, in the warmth of his gratitude, to divide with Richard the labour of driving,—a proposal highly acceptable to the latter, who had much of his master’s affection for an afternoon nap, and could take it as well upon a coach box as in the chimney corner. The only ill consequence of this exchange was, that, before they had proceeded a mile further, the zealous Jehu interrupted an exceedingly interesting account captain Caliver was giving the clergyman of his midnight encounter with the Hawks of the Hollow, by suddenly overturning the coach into a gully,

whence all thought themselves fortunate in escaping without broken bones. But now arose a greater difficulty, or rather a series of difficulties, than before; for, first, it was questionable whether their force was sufficient to raise the unlucky vehicle, or whether, being raised, it was in a condition to carry them further; and, secondly, the reverend functionary, frightened and resolved to trust his neck no longer to a structure so ill-fated, declared, that, whatever might be the event, he would enter it no more, but would rather finish the remaining four or five miles on foot. In a word, they were reduced to the necessity of applying at a neighbouring farm-house for assistance; and getting horses and saddles as they could, they continued, and at last concluded, the journey, but in such plight as caused no little surprise and merriment among the expectant guests.

In the meanwhile, the tedium that might have been produced by these unforeseen circumstances, was put to flight by the appearance and activity of the French dancing-master, who, although carried to the house only for a whim, was soon found to be the most efficient adversary of ennui that could have been found. He was no sooner in the house than he snuffed his way, with the unerring accuracy of a setter-dog, to the kitchen, where he fell upon the ruins of the dinner table with the zeal of the hungriest of that species; and then, having succeeded in first gaining possession of a flagon of wine, or some stronger liquor, he threw aside his cane, clapped his hat under his arm, and seizing upon his fiddle, bounded with a hop and a skip first into one apartment, then another, and finally into the porch, in all of which were gathered some of the guests, and in all, as he entered, drawing a savage note from his instrument, and exclaiming,—

"*Attendez, gentlemans and leddees!* now we s'all dance ; ou-y for no we no dance ? Now for de Contre-danse and de Menuet !—Each gentlemans and his leddee—Mon Dieu ! de gentlemans and leddees will be very well content. *Attendez* ; I am de *maitre de bal*, and I know ou-at is de *matières de mode*, begar, ou-at you calls fashionable."

The appearance of the man was itself diverting, but was rendered still more so by his sudden assumption of the character and authority of master of ceremonies, to which he seemed to consider he had the best right in the world, and which he was, in the end, suffered to exercise, for no better reason than that there was no other person appointed to such an honour. He evidently held, that the chief ceremony and pleasure of a wedding lay in the practice of his own art ; and he addressed himself to the task of marshalling and animating the dancers with such zeal and enthusiasm, that several forgot they were beginning the ball at the wrong end, seized upon partners as forgetful, or as waggish, as themselves, and set Monsieur Tiqueraque's heart in a blaze of rapture, by dancing outright. What was begun in jest, came at last to be practised in earnest ; and when the clergyman with the military grooms-men rode up to the door, they had some reason to fear lest their ill fate had deprived them of the most impressive portion of the ceremony.

Their appearance was hailed with the greatest joy, and the more especially when they declared they had met Colonel Falconer, and received from him the same charges he had delivered to his son,—namely, that the rites and rejoicings should not be delayed on his account, even for a minute. They retired for a little space to refit their disordered attire, and a few moments afterwards reappeared, conducting, with the other attendants, the youthful pair whose destinies were now to be

united. The bride was very pale, her eyes red with weeping, and her brows contracted into that expression of imploring distress so frequent on her countenance; her lips quivered incessantly; and ever and anon her frame was agitated by that shuddering sob which remains as the last convulsion of tears. Yet she walked into the room without faltering, and suffered herself to be placed beside the lover, and surrounded by the guests, without betraying any agitation sufficient to excite remark. All that was observed was, that she kept rolling her eyes about her a little wildly, as if in part bewildered by the sudden transition from her quiet chamber to an apartment full of lights and human beings. At last, her eyes fell upon the clergyman, and she surveyed him with a gaze so fixed, so peculiar, so strongly indicative, as he thought, of a troubled and unhappy spirit, that his own feelings became disturbed, and he began the rites with an agitated voice.

In the meanwhile, the wedding guests pressed closer around, and the domestics, thronging at the doors of the apartment, began to steal reverentially in; and among them, it was noticed that there were several strange faces not before observed. One of these, however, was recognised by Captain Loring as belonging to a young farmer residing near the valley, and he did not doubt that the other intruders were people of the same class, who had stolen softly into his house, attracted by the opportunity of witnessing a ceremony so much more splendid than any ever before seen in the neighbourhood of Hawk-Hollow. Such intrusions are indeed not unusual in certain sequestered parts of the country.

With her eyes still fastened upon the clergyman, Catherine listened to the words of the ceremony, until the usual demand was made, "Dost thou take

this man to be thy husband ?” She opened her lips to reply, but, though they moved as if in speech, and every sound was hushed as in the silence of death, not a word, not even the whisper of an accent, came from them. The demand was repeated, and with as little effect ; she spoke not a word, but she rolled her eyes around the circle with double wildness ; and Miss Falconer, throwing an arm around her waist, murmured, in hurried tones,

“ She is ill—the ceremony cannot go on.”

“ Kate, my dear, adzoinks !” cried Captain Loring, “ what’s the matter ? Are you ill, my girl ? What, can’t you speak ? can’t you say Yes to the parson ? Ah, adzoooks, that’s a girl ! that’s my Kate Loring ! You hear her, parson ? She says, yes !”

“ Patience, sir,” said the clergyman, surveying the bride, who at the sound of her father’s voice, seemed to recall her powers, and opened her lips, as if to speak. “ Be not precipitate, young lady,” he added, directing his discourse to Catherine, and speaking with a kindly voice : “ this is a question too solemn to be answered lightly,—a profession embracing too much of the sacrament of an oath to be made except with deliberation. Take, therefore, your own time, and answer according to your heart and your reason——‘ Dost thou take this man to be thy husband ? ’ ”

The words of reply were almost upon Catherine’s lip, when a whistle, sounding loudly from an open window, and startling the whole company, was echoed by a sudden cry from the room itself ; and at the same moment, the bridemaids starting away in affright, a young man, pallid in visage, and roughly clad, rushed into the circle, and displayed to the eyes of the bride the features of the younger Gilbert. She uttered a scream, and to the confusion of every body present, flung herself im-

mediately into his arms, crying with tones as wild and imploring as his own, "Oh, Herman, save me!" and fell into a swoon.

"Death and furies!" cried the bridegroom, recognising his rival at a glance, and springing at him like a tiger.

"Kill the villain!" exclaimed his sister, in a transport of indignation, endeavouring to tear her friend from the embraces of the intruder. But the efforts of the brother and sister were counteracted by a new and unexpected enemy. The French dancing-master, who, notwithstanding the violent enthusiasm with which he entered into his proper duties of fiddling and animating the guests, had yet wisdom enough to conduct himself with proper decorum, the moment his reverend colleague appeared, and had been for the last few moments entirely lost sight of, now darted with a hop and a pirouette to the bridegroom's side, and roaring with a voice loud enough to add to the terror, "*Sacre!* ou-at! marry a leddie against her ou-ill!" he struck his violin over young Falconer's head with an energy of application that brought him to the floor, and dashed his instrument into a thousand pieces. "*Sacre!*" he continued, triumphantly,—"*I s'all help myself to the most beaut'ful ledee here!*" And, as he spoke, he snatched up the astounded Harriet, and vanished from the apartment.

In the meanwhile, the outrage, of a character so extraordinary, had not been confined to the persons of the wedding pair and the bridegroom's sister. At the very moment when Hyland Gilbert darted into the circle, many of the guests, hearing the whistle that seemed to have conjured up the spectre, turned to the window, and beheld three or four savage-looking men spring through it into the room, while as many others, remaining in the

open air, thrust long carbines and rifles among the guests, as if upon the point of firing on them. At the same time, others made their appearance at the door, armed in the same way; and, to crown all, the little six-pounder, which had remained in the Hollow ever since the eventful 4th of July, and stood upon the lawn near the house, charged by Captain Loring's own hand, and ready to be fired the moment the ceremony was over, was suddenly let off by some unknown hand, rattling the glass in the windows, and shaking the house to its foundation. These circumstances were enough to inspire all with dread; which was still further increased when the assailants, singling out the few military officers present, rushed upon them before they could betake themselves to their arms, and beat them all to the floor, with the exception of the captain of cavalry, who sprang from a window on the opposite side of the apartment, uttering a single ejaculation of surprise,—that is to say, 'By the eternal Jupiter!—and was seen no more until the assault was over, and the actors in the outrage had vanished. The whole scene, though one of unexampled confusion and terror, was over in a few moments; and such was the panic, that scarce a being present remembered, or indeed conceived, the true nature, or had noted all the circumstances attending the assault. That wild men with arms in their hands, had been among them,—had struck down several persons present, then rushed over the whole house, as if in search of some object of prey whom they expected, but found not, among the guests below, and then had betaken themselves to flight, without doing further mischief—was all that was at first known; and it was not until a distant yell at the park-gate, followed by the faint sound of hoofs, proclaimed the departure of the enemy, that the gentlemen present were able to tear them-

selves from the grasp of the frightened women, and examine into the effects of such a visitation. It was soon found that the officers, who had endured the brunt of the attack, had owed this distinction less to the animosity than the fears of the assailants, who, seeming to apprehend resistance from no others, had made it a point to seize them, before adventuring upon the main objects of the outrage. They were but little hurt, the assailants having studiously avoided all bloodshed; and even the bridegroom, though stunned and a little disfigured by the blow so heartily bestowed upon him by Monsieur Tiqueraque, soon recovered his wits, and joined the rest in eager search after the bride. She had vanished, as well as his sister; and by and by, when the distraction caused by such a discovery, and the ravings and lamentations of Captain Loring, had a little subsided, it was found that the girl Phœbe had also disappeared.

CHAPTER VII.

"She is won! we are gone, over bank, bush, and scaur;
They'll have fleet steeds that follow," quoth young Lochinvar.

MARMION.

IN the meanwhile, and almost before her disappearance had been noticed by a single person, so great was the confusion at the moment the outlaws burst into the room, Hyland Gilbert had borne the insensible Catherine into the porch, and strove to carry her from the house. His strength was scarce fitted to sustain such an exertion; for, in truth, although none of the dwellers of Hawk-Hollow were apprised of his mishap, until he revealed the secret to Colonel Falconer a few hours before, the bullet of his rival, in their encounter on the night of the fourth, had taken effect, and he was yet labouring under the effects of an unhealed wound. He was now, however, animated by a new feeling; for as he clasped the burthen to his heart, he remembered that the outrage had been sanctioned not merely by passive acquiescence on Catherine's part, but had been preceded by a direct appeal, as it seemed, to his affection, though wrung almost by frenzy from the unhappy girl, in the moment of her greatest need. "Heaven be thanked!" he muttered to himself—"I am not a villain; and this deed of violence has preserved her happiness, as well as my own miserable life."

"What! brother?" cried a harsh voice in his ear, as he attempted to stagger forward, and found

himself arrested by the hand of Oran: "What, man, am I not both doctor and brother?—a good doctor, too? You shall look up now, and be healed in a day—heart-whole, body-whole! I knew what it was was killing you."

Fierce and abrupt were the accents of the refugee; but there was mingled with them a tone singularly expressive of affection.—"And were you not a fool to doubt," he added, "when you had the love of the maiden? But come, Hyland; this duty is not for you—give her here to Staples"—

"Never, Oran, never!"

"Foolish boy, you are sinking under her weight. You must ride unburthened, or be captured. When the fresh air opens her eyes, and she can sit a horse herself, you shall ride at her side. Quick! and get you after her to the horses." —

With these words, and without regarding the opposition of the feeble lover, he drew the lady from his arms, and putting her into charge of another, bade him 'see to her, and the rest,' and then immediately darted back to the house.

"Perhaps it is better," muttered Hyland, conscious of his inability much longer to support his precious freight, yet resolved she should not be long sustained in the arms of another. "I have saved her,—I have saved myself; ay, and I have prevented murder, too. Go, Oran; the victim is beyond your reach. Ah! Catherine, thou hadst been dearly purchased, had it been with blood,—even with the blood of a Falconer!"

He was still pursuing after his mistress, and had nearly reached the park-gate, when his ear was saluted by a piercing scream from behind, and the voice of Miss Falconer, which he instantly recognised, calling for help. He ran back, and discovered her struggling in the arms of Monsieur Tiqueraque, who was bearing her along at a great

pace, and all the time uttering, with a volubility not a little inflamed by his frequent visits to the bottle, in which he had quite distinguished himself, a thousand exhortations to the lady to be pacified, with as many eccentric commendations of her beauty and his own good qualities.

“Tuchou! taisez vous, ou-at de deb’l! mon ange, ma petite, ma maîtresse, avec les yeux noirs d’un diablotin!” he heard him cry, “ou-y for you fear? comment diantre, ou-y for you squeak? You are the mos’ fine leddee of all, and I am the mos’ excellent jentlemans, and I s’all love you, begar, mos’ extremely. *Fi donc!* you mus’ know, I am jentlemans in disguise, and have you love ’is sis mon’s, and s’all make you very good lovare. O ciel, begar, I do so sink you ver’ beaut’ful, and I s’all give you on’ douzaine kiss extreme fine, *mon dieu*, if you s’all no squeak no more.”

“What, Sterling, are you mad!” cried Hyland, seizing this incorrigible adventurer and exemplary wooer by the arm. “Release the lady instantly—you have made a mistake.”

“*Diablezot!* none in the world,” said the man of many coats, changing character with the facility of an ‘old stager.’—The sudden transformation operated even more effectually than the voice of the detested Gilbert, in frightening Miss Falconer into silence. “And harkee, Mr. Lieutenant Hawk,” he went on, with great equanimity, “stick to your own prizes,—follow your own Blowselinda.”

“Rogue, do you resist me?—Come, sir, you have been drinking!”

“Drinking in your teeth!” said Sterling, in whom ‘the good familiar creature’ had the effect of rather sharpening than changing any of his characteristics. “‘Back and syde, go bare, go bare,’” as old Gummer Gurton says:

'Now let them drynke till they nod and winke,
Even as good felowes shoule doe ;
They shall not mysse to have the blisse
Good ale doth bringe men to.'

"But 'this is my right hand, and this is my left'; what more would you have? Do you think I am to be kept on your cursed Adam's ale of the mountains for ever? 'Dost thou think, because thou art virtuous, there shall be no more cakes and ale?' And finally, Mr. Lieutenant Chicken-hawk, dost thou opine thou shalt have thy bottle and thy wench, and I"—

"In a word, scoundrel," said Hyland, clapping a pistol to his head, and thus bringing the madman to his senses, "unhand the lady, or I will blow your brains out."

"Zounds, sir,"—

"No words, sir. Get you to the horses; and thank your stars I do not report your villainous conduct to the Captain."

The volunteer, who had indeed made freer with one item of the bridal cheer than became a man, who, as he had hinted, had been confined to a beverage of the mountain brook, since his association with the band, grumbled a drunken oath or two betwixt his teeth, and immediately slunk away, leaving his captive to be disposed of by the subaltern.

"You are free, Miss Falconer," said the young man, speaking with a smothered voice. "The evil you have done me I forgive you; the cruelty you meditated and practised against another, I leave to be judged by heaven and your own conscience.—False friend! treacherous kinswoman! your victim is beyond the reach of your inhumanity."

"You are a villain, sir!" cried Harriet, exaspe-

rated out of her fear,—“the worst of villains,—an ungrateful one!”—

What more she might have said and done, on the impulse which restored her all her native energy, it is impossible to say; but just at that moment her ears were struck by the wailing of a female voice; and looking round, she saw, obscurely, for the night was very dark with clouds, though a new moon was in the sky, a horseman ride by, bearing a woman across his saddle-bow, and apparently greatly embarrassed by her struggles. Her first idea was that she beheld her unlucky friend, not yet snatched beyond her reach; and accordingly she darted forward, and with extraordinary intrepidity, seized the bridle-rein with one hand, while with the other she grasped at the captive’s garments, bidding her leap down, and crying out loudly for help.

“ You are insane, Miss Falconer!” said Hyland, endeavouring to draw her aside; “ Catherine is safe, and this is but Phœbe, who follows her.”

“ Oh! Miss Harriet!” cried the serving-maid, with a piteous voice, “ don’t let ‘em murder me; and oh! Mr. Hunter Gilbert! sure you won’t be so barbarous! and sure I never did you any harm in my life, and sure”—

But her words were cut short by her ravisher suddenly spurring his horse, as Harriet, in surprise and disappointment, let go her hold, and immediately darting out of the park.

By this time there was a great flashing of lights on the porch, as if the wedding-guests were recovering from their confusion, and preparing to avenge the outrage, before it was yet too late. This Harriet saw, and she observed besides that the dusky figures which had, ever and anon, for the last few moments, been flitting by, towards the road, one or two of them being on horseback, and

who, she doubted not, belonged to the refugee band, had ceased passing, as if the last had already left the park. It was at this moment that she felt the touch of Hyland Gilbert's hand on her arm, as he endeavoured to draw her from Phœbe; and as she jerked away, she became sensible how feeble was the grasp of this detested foe. An idea, worthy of an Amazon, entered her mind; and forgetting the act of generosity which had but an instant before relieved her own person from the clutches of a drunken and lawless desperado, she laid hands upon her deliverer, thinking only on vengeance. As she seized him, she screamed loudly for assistance, calling upon her brother, Mr. Brooks, and others, by name; and had they made their appearance, or any one of them, it is certain she would have secured her prisoner. He was confounded by an exhibition of spirit so unexpected; and not knowing how to release himself, unless by such an exertion of his remaining strength as he could scarce think of exercising at the expense of a woman, he was reduced to extremity; when a horseman, coming from the house, suddenly galloped up, stretched out his hand, and with a single effort, jerked her from the ground to his saddlebow.

"Quick," he cried to Hyland; "why do you tarry? To your horse, and away."

So saying he spurred onwards himself. The voice, breathing out the harsh accents of the trader,—the refugee, the man to capture whom she had launched so boldly among the billows of stratagem, and almost of war,—froze the blood of the maiden, and the sight of his grim features, revealed in the glare of distant lamps, completed the overthrow of a courage which had supported her in a struggle with one so little to be feared as Hyland. Her brain whirled, her senses became bewildered,

as she felt the steed bounding beneath her, and knew that every leap, while it separated her still further from her friends, placed her yet more completely in the power of the refugee. But it formed no part of his schemes to add her to the number of his captives. He checked his steed at the park-gate, dropped her gently on the grass, and uttering a yell, to draw the attention of another horseman, approaching from the house, galloped through the gate and was soon buried in the darkness. The second horseman, who was no other than the captain of cavalry, rode up to the spot, dismounted, and uttering many ejaculations of surprise, took the lady in his arms, and with her returned to the mansion. He found its inmates still in extreme agitation, the women weeping and screaming, the men swearing, and bustling, and vociferating for arms and horses, with which they designed to do they knew not what, and Captain Loring roaring like a bedlamite.

"Mount horses, gentlemen," he cried, "and by the eternal Jupiter, we'll recover the prisoners. A rum one, that Mr. Gentleman-volunteer! Come, mount, mount, and keep the chase warm, till a better force can follow us. There's a regiment of foot billeted in the village below—let some one gallop down for a reinforcement; the rest follow me. If we can't fight the vagabonds, why, by the eternal Jupiter, we can dog them."

The proposal of captain Caliver was responded to by such as could think without alarm of following the fierce marauders, by midnight, into their native forests; and in a surprisingly short space of time, they set out, six in number, to pursue on the course of the fugitives, and keep them within striking distance, until assistance should arrive. A messenger was immediately despatched to the village, and some two or three of those gaping super-

numeraries, whose intrusion into the house has been already mentioned, volunteered to carry the alarm among the neighbouring settlements, and thus rouse the whole country to pursuit and vengeance.

The little party of six, headed by young Falconer and Caliver, issuing from the park, began the chase by galloping up the road, already made familiar to the leaders by the memorable adventure of the 4th. Assistance was nearer at hand than they thought; and almost before the trampling of their horses had died on the ear, a large party of mounted men, with Colonel Falconer at their head, halted at the gate. In obeying the counsel of the young refugee to leave Hawk-Hollow without delay, this individual had not been governed alone by fears for his personal safety. The appearance of Hyland Gilbert so near to the scene of festivity, convinced him, as strongly as did his urgent exhortations to fly, that the ferocious band of Hawks, though supposed long since to have effected its escape, was yet lying concealed in the neighbourhood, meditating some deed of violence, though what that was, unless to burn Gilbert's Folly to the earth, as the only way of wreaking vengeance upon him, he could not pretend to divine. It was enough, however, that such an enemy was at hand; and, accordingly, when he rode to the village, it was with the purpose of summoning such a force to the valley as should protect its inhabitants, if it did not effect the still better object of ridding it from such visitants for ever. He sought the commander of the regiment already spoken of; and his representations, added to the weight of his character, were enough to cause that officer to take instant measures for the protection of Hawk-Hollow. A party of sixty picked men, mounted for the occasion, was put under his disposal; while

several other companies were ordered to follow on foot. While on the road, he was met by the messenger sent by the captain of cavalry, with the stunning intelligence of the outrage, as it has been already related. Inflamed by the news, the party put spurs to their horses, and were soon in the Hollow. They paused at the park-gate, just long enough to communicate with the house, and ascertain that the pursuit was already begun by the bridegroom; and then resuming their route, they were in a few moments beyond the swelling ridge that shut in the Hollow to the north.

CHAPTER VIII.

Thought he, ‘This is the lucky hour;
Wine works, when vines are in the flower.
This crisis, then, I’ll set my rest on,
And put her boldly to the question.’

BUTLER.

You saw the mistress, I beheld the maid:
You loved, I loved.

MERCHANT OF VENICE.

THE outlaws were, in the meanwhile, proceeding on their course with a celerity that left them little to dread from pursuit; and, indeed, all their measures indicated that their plan had been laid with as much forethought as audacity. The captive maidens, after being borne for the space of a mile or more, in the arms of their captors, were placed upon horses previously in waiting; and then, supported by an athletic attendant on each hand, were hurried forward with even greater rapidity than before. Before this arrangement was effected, and while they were yet in the neighbourhood of Hawk-Hollow, a change came over the spirit of one of the prizes, not more advantageous to herself than it was agreeable to the wild band who were somewhat weary of her lamentations. This was Phoebe, whose terrors, instead of abating, grew more clamorous, with every bound of the steed that bore her; and which, having begun with sobs and piteous ejaculations, increased to something like positive outcries; until, at last, the man who carried her, losing all patience, and un-

locking lips that seemed previously made of stone, muttered, or rather whispered in her ear, but in no very amiable accents,

"Consarn the woman! what are you squalling a'ter? Hold your foolish tongue, Phœbe Jones, or"—

But the sound of a threatening voice was by no means fitted to allay the damsel's fear, or paralyze the member it had set so vigorously in motion. She interrupted the menace with a still louder shriek, adding, "Oh lord, good gentleman, pray don't murder me!"

"Gentleman!" cried the other with a kind of snort, evidently designed for a laugh: "Well, I reckon, I am a sort of, as well as another. But what's the contraction? Who's talking of murdering? I'm an honest feller, Phœbe Jones, and you know it; and these here refugees are all honest fellers, too, as ever you'd wish to see. Now, Phœbe, just scratch your nose, and be quiet; for you know I won't hurt you."

"Lord!" said Phœbe, in surprise, "don't I know that voice?"

"Why, I reckon," replied the other, with a more strongly marked chuckle than before; "but, mind you, no talking above breath; for that's agin orders, and captain Gilbert's a screamer."

"Captain Gilbert!" said Phœbe, in mortal terror. "Oh Dancy Parkins, don't let him kill me, and I'll never abuse you no more!"

As he spoke, she banished so much of her fear as to fling an arm around the horseman's neck, as if to insure the protection she entreated; and the action, as well as the appeal, went so effectually to his heart, that he answered forthwith, "Well I won't,—I won't let him hurt you, I won't, consarn me!—You see, Phœbe Jones," he added, with the same giggle which had marked the manly assurance of protection, "I'm the man for you, a'ter all:

I told you, you'd be coming round, some day or other, for all your saying you despised me."

"But an't I to be murdered, Dancy?" demanded the wench, dolefully: "Oh! that ever I should be among the bloody Hawks! They say, they scalp women and children, as if they were no more than great Indians!"

"They're not half such fellers as people say," replied Dancy: "the only murdering I ever knowed of among them, was that of Andy Parker; and that I uphold to be salt for gruel,—fair grist for cheating the miller. He chalked me down like a fool, me and Tom Staples, being all old friends, or sort of; and so hanging was good for him. But I tell you what, Phœbe—give us a buss, and we'll be married, as well as our betters."

"I won't do no such thing," said the damsel, stoutly. "I don't like you no better than I ever did; for I don't see you're any better-to-do in the world than you was; and, besides, I won't have no tory."

"I reckon," said Dancy Parkins, "I'm no more a tory than the lieutenant—that's him you used to suppose was Mr. Hunter, and a poor painter; and there's your betters, the Captain's daughter, jumps at him."

"She don't!" said Phœbe, with indignation; "and don't you go to say, Miss Kitty Loring will have any such vagabondy, poor fellow."

"Poor!" cried Dancy; "why he's as rich as a king, and a mighty fine gentleman, too, for all he's consorting just now with these here refugees. He's got a grand plantation, as big as all Hawk-Hollow, with a thousand niggurs, where he raises sugar by the ship-load, and molasses beyond all reckoning, and, as I hear, good Jamaiky spirits. He's to make me a sort of I-dunna-what-you-call-it; but I'm to manage the niggurs, and make a fortun'.

They say, no man ever sets foot on a sugar plantation, without making a fortun' out of it,—that is, excepting the niggurs. So, Phœbe Jones, there's no great use in despising me. It's a fine country, that island of Jamaiky; and consarn the bit of a hard winter they ever hear of there. So now, Phœbe, don't be a fool and refuse me no more; for I'm mighty well-to-do in the world."

And thus the enamoured Dancy pursued his claims to the love of his prisoner, who had been hard-hearted enough to frown upon him of old, while a labourer on Captain Loring's estate, and before the Captain's daughter had, by rewards and promises of further favour, prevailed upon him to take charge of the meaner fields of the widow. There was some presumption, at least Phœbe thought so, in his daring to raise eyes to *her*; for besides being without any personal attractions whatever, he was, to all intents, a gawky and stupid clod-hopper, with but little prospect of ever rising beyond the condition of a mere hireling, or, at best, a peasant of the lowest class; and accordingly, the damsel repelled him with extreme scorn, as a person unworthy to brush the dust from her shoes.

But the case was now altered, or seemed to be. In the first place, the scornful beauty was in his hands, and had wit enough, though by no means overcharged with that brilliant commodity, to perceive that his friendship was better than his enmity; and, in the second, his appointment to the important and lucrative office of He-did-not-know-what-to-call-it, on a sugar plantation, where they raised molasses by the ship-load, and good Jamaica spirits, was a circumstance to elevate him vastly in her consideration; for her affections not being of a romantic or sentimental turn, she ever held her-

self ready to bestow them upon any body who, in her own favourite phrase, ‘was well enough to-do in the world to make a lady of her.’ She listened, therefore, with complacency to his arguments, which he pressed with as much ardour as he was capable of; and by the time they reached the place where she was to exchange a litter in his arms for a seat on a side-saddle, she had so far recovered from her fears, that she might have told him in the words, and with more than the sincerity, of Juliet,

“Well, thou hast comforted me marvellous much.”

In the course of his communications, for he became wondrous frank and confiding, as he perceived her grow more favourable to his suit, he made her acquainted with some of the mysterious causes that led to the outrage, and the extent of his own agency in it.

When the young Gilbert fled from Hawk-Hollow, it was with a sorrowing spirit and a bleeding frame. The wound was, it is true, neither dangerous, nor, in fact, very severe; but he was left to endure it among woods and rocks, afar from assistance, except such as could be rendered by his wild associates, who were themselves reduced to extremities, so keen and fierce was the spirit with which they were hunted, though unsuccessfully, during the first week after their flight.

The sufferings of the young man were, in consequence, neither light nor few; and they were aggravated by anguish of spirit, which became a withering despair, when Dancy Parkins, the only individual with whom he could communicate in the valley, brought him intelligence that Catherine had been taken away, and, as was currently believed, for the purpose of being united to her affianced lover, afar from the reach of danger or oppo-

sition. His condition became such that it was no longer possible to remove him from the concealment where he lay, even when the abatement of all pursuit opened a path of escape to his companions, and when they looked daily for orders to proceed, or disband,—the removal of the chief object for which they were sent to the district, and the commands imposed upon them to commit no outrages, leaving no argument for remaining longer.

While he lay in this dangerous condition, the fierce Oran, whose bosom yearned over him as the youngest, and, after himself, the last of his father's children, read the secrets of his spirit; and, seeing no other means of saving his life, he formed, so soon as the sudden return of Catherine to the valley appeared to render the scheme feasible, the bold resolution of carrying her off, and thus defeating the only scruples in the way of Hyland's happiness. His own heart was a rock, and he smiled grimly as he thought of the affection of woman; but he had learned to love his brother, and knew that the passion he derided was consuming his spirit within him. "I will give him his gew-gaw puppet," he muttered, as he sat one night watching by Hyland's couch—(it was a bed of fern spread on a rock, on the naked hills, with only a thatch of hemlock boughs to shelter him from winds and dews, and a fire in the open air to light the wretched den:) "I will give him his wish.—He mutters her name in his sleep, and he sobs as he speaks it. Poor fool! he said true—he is unfit for this life of the desert, and his heart is warm to all God's creatures. Why should I seek to make it as fierce and bitter as my own? Let him to the island again, and the girl with him—it will be better: he was made to be happy."

When he first announced his scheme to Hyland, the youth, to his surprise, strongly and vehemently opposed it, as being a violence and wrong not only to Catherine, but to himself: but when the news was brought him that the wedding-day was fixed and nigh at hand, and he saw that he must act now or never, his resolution and feelings experienced a sudden change. He thought over again and again all the evidences he had traced of Catherine's aversion to the union, and he added the few and precious revealments of her regard for himself: he remembered her wild and broken expressions at that hour of parting which had made her acquainted with the depth of his love, and perhaps taught her more than she had dreamed before of the condition of her own: he pictured her in his imagination, the fair, the beautiful and the good, driven into the arms of one as incapable of appreciating her worth as he was undeserving her love: he thought of his peaceful island-home, and the paradise it would become, when she whom he adored should sit with him under its arbours of palms, or walk over its shelly beaches: he thought these things, and persuaded himself that fate called for, and heaven would sanction, the violence,—that he acted not so much for himself as for her,—and that she would forgive the friendly audacity that brought her release and happiness together.

He rose from his leafy couch, and in secret and by night crept back to the valley. The presence of Colonel Falconer filled him with affright and horror; for that had been concealed from him, and he knew by the devil of malice that glittered in Oran's eye, that his father's hall was designed to be stained with the blood of his father's foe. Accident gave him the means of preventing this dreadful catastrophe, while wandering over those

scenes which reminded him of Catherine, and debating in fear and anguish of mind, whether even she was worthy to be purchased at the price of murder. This obstacle removed, there still remained another. Fear and disaffection, resulting in a measure from inactivity, had thinned his brother's band; and they refused to strike a blow so bold and dangerous by daylight, when the smallness of their number could be seen at a glance, and their retreat as easily intercepted as followed. An effort was made to delay the ceremony until night, by throwing difficulties in the path of the clergyman; and this duty had been committed to Dancy, who succeeded beyond the expectations and even the hopes of his employers; while men were stationed in different parts of the grounds, to take advantage of any accident which might carry the bride afar from her attendants. At the very moment when Catherine wandered farther than usual from her friends, and wept at being hindered and recalled, she had approached the concealment of one of the party, and would have been seized on the spot, had not the man's heart failed him. It seemed as if destiny were driving her towards a path of escape, of which she had an instinctive perception, just at the moment when it was closed against her footsteps.

These particulars,—or at least the leading outlines,—Dancy communicated to the object of his own fervent but unromantic affections; and Phœbe was astounded with the discovery of her mistress's private attachment, if such it was, and still more so when Dancy, taking *that* for granted, assured her of his belief that Catherine was privy to the whole design. However, she did not trouble herself to pursue Catherine's story much farther. She heard enough to satisfy her that Mr. Hunter

Hiram Gilbert, as she called him, ‘who painted such lovely fine pictures, and had a thousand niggers to raise sugar, and molasses, and Jamaica spirits, was as good a husband as one might meet of a summer’s day; and for her part, she did not know, she could not say, she would not pretend to be certain,—but she was quite sure she never meant to say, that Dancy Parkins was altogether despisable.’

CHAPTER IX.

Besrew me but I love her heartily:
For she is wise, if I can judge of her;
And fair she is, if that mine eyes be true;
And true she is, as she has proved herself;
And therefore, like herself, wise, fair and true,
Shall she be placed in my constant soul.

MERCHANT OF VENICE.

WHEN Catherine recovered her consciousness, or rather woke from utter insensibility, (for it was long before her mind regained its full tone,) she was mounted upon a horse on which she was supported by two men, one riding on each side, who sustained her on the saddle, and directed the steps of her palfrey. She began to speak, but her words were wails, low and faint, and half lost amid the sough of the breeze, and the crash of pebbles under the horses' feet; and, indeed, it was soon apparent that she had exchanged a state of dreamless lethargy only for one of partial delirium. To this condition she had been fast verging for several days, during all which time, both asleep and awake, her mind had been in a state of constant tension, enduring jar after jar, and blow after blow, until its fraying fibres were one by one giving way, and a few narrow threads alone were all that kept it from the snap that ends in madness. Sleeplessness is a disease, which sometimes is prolonged, until insanity or death puts a close to the scene. The mind does not always slumber with the body: and in such instances, the spirit consumes amid the vi-

sions and dreams of night, as fast as amid the torments of day, until it lapses into the oblivion of dissolution or mental derangement. Such had been the case with the Captain's daughter: even slumber had brought no release to her spirit; and the last shock, combining in effect with a long train of benumbing influences, had reduced it to a condition in which it hovered between imbecility and distraction.

Though retaining an impression of the scene in which she had lately played so chief a part, it was faint, vague, and broken by other recollections of other scenes; and though some of her accents betrayed a childish joy at feeling herself in motion through the open air, she was apparently incapable of forming any but the most imperfect and bewildered conception of where she was, whither going, and for what purpose. Occasionally, she murmured words that seemed those of grief and entreaty; and, at such times, her father's name was on her lips, as if she implored those riding at her side to carry her to him. By and by, however, her words became fainter and fewer; then she uttered sobs, and those only at intervals; and at last, these ceasing also, she sank again into unconsciousness, and was maintained on her seat only with the greatest difficulty.

In consequence of this unexpected impediment, the speed of the fugitives became gradually less and less; but as they were already at a considerable distance from the valley, and had no reason to apprehend immediate pursuit, this circumstance created no alarm, and was, in fact, a cause of no little private satisfaction to many, the road being exceedingly rugged, and the night waxing darker and darker as the moon sunk lower in the west. Suddenly, however, as the headmost of the party toiled slowly over the crest of a hill, the wind

swept from the rear a sound of voices, followed almost instantly by the explosion of fire-arms, and these again by loud shouts.

"‘Sessa! let the world slide!’” cried the voice of Sterling, “whose cow’s dead now? So much for not killing the men, and carrying off the women!”

“Peace, parrot!” said Oran Gilbert, lifting Catherine from her horse, (for he was one of those who supported her,) and flinging her into the volunteer’s arms. “Bear her to the top of the hill,—nay, gallop on till you strike the river, and”—

“Figs and furies!” cried Sterling, with drunken astonishment; “do you make me a chamber-maid?”

“Away, fool! follow the other,—follow Dancy.”

And with that, the refugee, turning his horse, galloped down the hill towards the scene of conflict, leaving Sterling, not yet completely sobered, to make his way after Dancy Parkins and Phœbe, who were in full flight, as well as he could, cumbered by the weight of Catherine, and perplexed by certain indications which White Surrey gave of misliking the additional burthen imposed upon him.

“‘Sessa, let the world slide!’” he exclaimed, “here’s a coil with a wench, dead or half-witted! Ha! she stirs!

‘ Arise, fair sun, and kill the envious moon,
Who is already sick and pale with grief.’

Shame on thee, White Surrey! hast thou no more respect for the ladies? Now were not this the lieutenant’s white-faced Rosalind—Oons! they are at it! Well, the better part of valour shall prevail; and so, fair soul, we’ll be jogging. But where’s that bottle of brown Sherry I clapped into Tiqueraque’s pocket? *Paucas palabras!* I will

have mercy upon thee—‘ thou shall taste of my bottle ; if thou hast never drunk wine afore, it will go near to remove thy fit.’ ‘Slife, I will be merciful, and medicinate thy lips a little. Marry, I am ‘a brave god, and bear celestial liquor.’ Now, White Surrey, my brother, handle thy legs peaceably, or I will knock thee over the mazzard.—Fight, Hawks ! and sing, Leonidas !”

The worthy volunteer, with these words, after having taken a bountiful draught from a flagon which was the first thing he laid hands on in the moment of assault, and sprinkling, doubtless with a humane and generous motive, some of its contents upon the face and lips of the maiden, gave spurs to his horse, and was soon beyond the reach of bullets and the sound of shouts.

The commotion, such as it was, was soon over. The party of Caliver and Falconer, urging their horses to the utmost, had suddenly, and unexpectedly to themselves, found themselves in contact with the stragglers of the tory band ; and as these fled the moment they observed the pursuers, the gallant officers fired their pistols and rushed forward with renewed ardour, until checked by the opposition of the main body. They were met with fury, and, being overpowered, were almost instantly put to flight; after which the retreat of the outlaws was resumed.

In the meanwhile, the shots and yells with which the contest began, the change of position, or perhaps the wine which had been sprinkled on her lips, woke Catherine from her torpor ; and slowly collecting her senses, she became at last sensible of her situation. Her recollection of the events of the evening was still confused; but she remembered enough of the bridal, and its violent termination, to know that she was afar from her father’s roof, and that each moment saw her carried still

further. She felt, too, that she was grasped in the arms of some powerful horseman, whose character might be imagined from the heartless, or drunken, nonchalance with which, while supporting a fainting and almost lifeless female, and hearing the uproar of mortal conflict just behind him, he yet trolled to the night-air some further stanzas of that quaint, joyous, and uproarious old ballad, of which he had given a specimen before in the paddock.

‘Back and side go bare, go bare,’—

he sang,—

‘Both foot and hand go cold;
But, belly, God send thee good ale enough,
Whether it be new or old.

I cannot eat but little meat,
My stomach is not good;
But sure I think that I can drink
With him that wears a hood.
Though I go bare, take ye no care,
I am nothing a-cold,—
I stuff my skin so full within
Of jolly good ale and old.
Back and side go bare,’ &c.

‘Now let them drink till they nod and wink,
Even as good fellows should do;
They shall not miss to have the bliss
Good ale doth bring men to:
And all poor souls that have scoured bowls,
Or have them lustily troll’d,
God save the lives of them and their wives,
Whether they be young or old!
Back and side go bare,’ &c.

“Oh my father, my father!” cried Catherine, in sudden terror, “for what dreadful fate have I given up thy love and protection?”

Her accents, feeble as they were, reached the ears of Sterling; and ceasing his song, he looked

down upon her face, saying, with a ludicrous assumption of gravity,

"How now, fair Titania, queen of moonshine, do you speak? 'Oh, speak again, bright angel!' So much for twenty drops of brown Sherry! these asses did nothing but talk about cold water."

"What are you, sir? and why—why do you thus hold me?"

"Egad, for no very good reason I know, seeing that I could not hold my own prisoner, and am but a milk-livered loon to hold the game of young Sparrow-Hawk. Thousand devils! knew I but where to turn White Surrey's snout, I should *exit* by side door, and so vanish, wench and all, were it only to give him a Roland for his Oliver."

"I know not what you mean," said Catherine, her terror restoring her to full consciousness—"I know not what you mean," she repeated, with increasing alarm, as the moon, peeping side-long through a rent in the clouds, threw a level and ghastly ray on the countenance of her supporter, revealing features which her fears converted into those of an evil being;—"but, oh sir! I conjure you to free me. Do me no harm,—suffer me to escape,—let me dismount, though it should be but to die on the way-side."

Unfortunately,—not for her prayer, for no idea of granting that could have ever entered the volunteer's brain,—but unfortunately for the maiden herself, the same ray which revealed his visage to her gaze fell brightly upon her own, which, although pallid as death, yet displayed a pair of eyes to which the excitement of terror gave unusual lustre, and which instantly converted the drunken indifference of Sterling into admiration. He stared at her for a moment, and then burst out, in the words of Romeo, and with an emphasis that preserved, along with his usual dramatic extravagance of

fervour, some little touch of natural approbation,—

“ ‘Two of the fairest stars in all the heaven,
Having some business, do entreat her eyes
To twinkle in their spheres, till they return!’

Oho, Master Brook, sweet young Hawk! never trust me if I do not take thy minion in fair exchange for my own:—

‘Follow your function, go!
And batten on cold bits.’—

Sweet and beautiful, and thrice beautiful and as many times angelical, fair soul!” he added, addressing himself to Catherine, “that I have so long remained insensible to thy charms, trust me, it was in part owing to the stupidity which I find growing upon me among the ‘ruthless, vast and gloomy woods,’ and in part also to the great grief of mind with which I have been mourning the loss of another very tenderly beloved damsel; but chiefly because thine eyes refused their light, and yonder moon in like manner. But now, ‘by yonder blessed moon I swear,’ I perceive you are ten times handsomer than the other, ass that I was to suppose the contrary; but, however, I was then thinking of the lieutenant and sour grapes.—Sweet, angelical soul, you said something about escaping, and doing you harm, and so on? Now, as to the harm, rest easy; but look as frightened as you please,—for what’s so pretty in a maid as pretty fear? But as to escaping,—you would escape, then? go free from these villainous, green-coated, axe-handed, ox-headed, timber-tongued Hawks of the Hollow, eh? You would give them the slip, eh?”

“Assist me but to escape,—nay, only permit me to fly; heaven will bless you for ever, and my fa-

ther—oh, my father!—he will never think he has sufficiently rewarded you."

Such were Catherine's eager expressions,—for although frightened at the strange, and, to her, inexplicable apologies and commendations of the man, she caught at his closing words as at those of a friend. What, therefore, was her terror, when the drunken ruffian, exclaiming, "Why then, 'Sessa, let the world slide!' we will give Monsieur the Hawk Junior the go-by, and roam the world together," added other words to make yet more plain the sudden design he had formed of carrying her off for his own exclusive benefit, and concluded by attempting to draw his arms more closely around her.

"Yes, thou adorable, delectable creature!" he cried, overflowing with affection, "I am tired of these rude vagabonds, who give one nothing to drink but brook-water, with which trout, eels, sunfish, terrapins, and other vermin, have been making free the lord knows how long; and beds of leaves on a rock, where one may feel snakes creeping under him all night long. Wherefore I will decamp, and thou shalt decamp with me, and be my love; and I will love thee to thy heart's content; and we shall lead the merriest, drollest moonlight life of it under a bush, that was ever dreamed of in romance or enacted in tragedy. We will laugh and play, and drink and dance—

"Nor will we miss to have the bliss
Good ale doth bring men to"—

and will be the most loving turtles that ever cooed in a greenwood."

As he spoke, he again attempted (for White Surrey, charmed with the melody of his master's tongue, and knowing well, when it was running, he might take such a liberty, had changed a jog-

trot into a contemplative walk,) to cast his arms round the maid, who, now awake to the wretchedness of her situation, uttered a shriek, and making a sudden effort, succeeded in throwing herself to the ground; after which, she fled away with all her speed. The object of her terror was not slow to follow; he uttered an oath and a laugh, and leaping down, pursued her with such vigour that he was soon at her side; for the ground was rough with rocks and bushes, and her strength almost immediately failed her.

It is not certain that the wretch meditated any purpose beyond the mere recovery of his prize; for, however rude and familiar his new-born admiration, he had hitherto betrayed no inclination to carry it to the point of absolute rudeness. On the contrary, he seemed rather to be enacting a part, according to his constant custom, only that the wine he had drunk rendered him in all things more extravagant than usual.

But harmless or not as his intentions might have been, it is certain that the fear of them drove the unhappy Catherine to desperation, and filled another, now fast approaching, with the most dreadful alarm. This was Hyland Gilbert, who, hearing her cries from afar, came rushing up in time to see her, in the dull light of the moon, drop on her knees before the volunteer, beseeching him, in tones that might have melted a heart of stone, to have pity on her.

“Villain! you die!” cried Hyland; and leaping from his horse, and rushing forward, he clapped a pistol to his ear, and drew the trigger. It flashed in the pan; but before Sterling could take advantage of the failure, the young man dashed it in his face, and drew another.

“Hell and darkness!” cried Sterling, furiously, “young malapert, I will twist your neck.” And

seizing him by the throat, he cast him violently to the earth. Of a joyous, and even good-humoured temperament, there was yet a spice of devilish vindictiveness in the man's breast; and while boiling under the indignity of the blow, and smarting with rage at such high-handed interference in his humours by a pragmatic boy, he did not fail to remember that this was not the first time he had been baffled by him during the night. Besides, he was inflamed with liquor, which was enough of itself to goad him into any act of vengeance.

But he was not destined, that night, to shed the blood of Hyland Gilbert. The shrieks of Catherine had been heard by others as well as her unhappy lover, and the flash of the pistol hastened them to the spot, where he lay struggling in the grasp of Sterling. A hand more mighty than his own was soon laid upon Sterling's neck, and as he was lifted aloft, and then tossed among the flints, like some mean but vicious beast, which the hunter despairs to kill with a weapon, he heard the voice of the tory captain exclaim,

"What, you dog! touch your officer, and a sick man!—What means all this, Hyland? What! has he harmed the girl? If he have but touched her with a finger—Paugh!—Away with you, men! why stand you here gaping? On, and quickly."

The party rode on, leaving, however, besides the group already in front, one man who led the horse on which Catherine had been mounted before. The refugee cast a look to the maiden,—she was sobbing in the arms of his brother. He strode to Sterling and assisted him to rise, not however without saying, with the sternest accents, of a voice always savage,

"But that heaven, or some other power, has

made me to-night cold to blood, I should strike you, villain, where you stand!"

"You may do it," said the other, with great tranquillity. "Take your fill to-night; we will run up the reckoning at another time."

"How, drunken fool! do you threaten me!"

"Faith, not I. Henceforth, I am a man of peace—that is, when we have played the play out. You're a hard manager—but, now I remember, we are not on the boards! We will forget and forgive."

"Forgive, rogue! you struck him that was feebler than a child; and you—By heaven! if you have touched that girl but rudely, you were better fling you into the river, than await the thanks in store for you."

"A pest upon girls, and the devil take the whole sex!" said Sterling, devoutly.

"Peace! and get you to your horse."

"Ay, presently," replied Sterling; and as Oran leaped on his own black steed, Catherine having been already lifted to the saddle, he pulled a pistol from his bosom, and aimed it at the unsuspecting outlaw. Oran Gilbert bounded forward, and Sterling lowered his hand.

"A miss were certain death," he muttered, "and the shadow was on the moon. 'Sessa, let the world slide'—to-morrow comes after to-day, and the longer we fast the richer the feast.

'Nor shall we miss to have the bliss
Good ale'—

Good ale? good devils!—

'Nor shall we miss to have the bliss
Good *blood* doth bring men to!'—

Now were White Surrey but visible, I should know what to do: but the beast lifted up his heels,

and was gone a-larking the moment I dismounted.
—And these dogs have left me to shift for myself, without even a horse to help me! Wisdom is at as low an ebb among them as gratitude. Necessity and vengeance harp on the same string. Fare thee well, Oran the Hawk; but fly as high and as wildly as thou wilt, I see the little bee-bird that shall bring thee to the ground, bleeding."

With these words, he sat down upon a stone, and there remained until the tramp of the retreating horsemen was no longer brought to his ear.

CHAPTER X.

If you have ears that will be pierced; or eyes
 That can be open'd; a heart that may be touch'd;
 Or any part that yet sounds man about you;
 If you have touch of holy saints or heaven;
 Do me the grace to let me 'scape: If not,
 Be bountiful, and kill me. You do know,
 I am a creature hither ill betray'd
 By one whose shame I would forget it were.

BEN JONSON—*Volpone, or the Fox.*

CATHERINE was now so far recovered as to be able to comprehend her situation in full; and although Hyland Gilbert rode at her side, thus assuring her of protection from all further rudeness, her terrors increased, and were mingled with the most insupportable anguish of spirit. It was in vain that he conjured her to be composed, and vainer yet when he sought to pacify her by expressions indicative of affection and tenderness.

"Take me to my father, Herman," she cried, clasping her hands, and even endeavouring to grasp his own. "Oh, take me but back, and I will forgive you—I will forgive all!"

"Be composed, Catherine; I entreat you"—But her only answer was, "My father! my poor father!"

"You shall see him, Catherine. I take you not from him, but from Henry Falconer."

"I will never marry him," cried the unhappy girl: "take me but back and I will tell them all, and it shall go no further. Take me but back,

and I will forget all,—I will forgive all. Take me but back, and let me die.”

In this manner, her mind overcome by but one thought and one feeling, she murmured prayer after prayer, and adjuration after adjuration, until her entreaties became almost frenzied, and Hyland, alarmed and shocked, half repented the act which had brought her to such a pass. Her agitation was not diminished, when Oran, who rode at the other side, and had for a long time maintained a stern silence, and apparent disregard of what passed between them, at last uttered an interjection of impatience, and bade Hyland ride away, and leave her to him.

“The folly but grows upon her in your presence,” he said: “it must be checked.”

“Leave me not, Herman!” she cried, starting so wildly from the rude Oran, that, had he not arrested the effort, she would have leaped from the horse, in the effort to reach him whom she felt to be her truest protector: “leave me not, Herman, for the sake of the mother who bore you!—leave me not in the hands of any of these rude men!”

“Fear not,” said Hyland, and he conjured Oran himself to depart. “Let the girl come to her,” he added; “perhaps Phœbe’s appearance may relieve her.”

But even the presence of Phœbe, now quite content with captivity, (so successful had been the arguments of her wooer,) failed to banish her agitation; and at last, bewildered and in despair, incapable of devising any other means to give her comfort, Hyland checked his horse and hers, and assisted her to dismount.

“Do with me what you will, Catherine Loring,” he said:—“I am a fool, a wretch, perhaps a villain.”

“Oh no, no!” said the maiden; “only take me

back, and all will again be well—all will be forgotten.”

“Nothing again will be well with me,” said the young man, “and nothing, I fear me, with you. Catherine, there is but a moment to decide. In snatching you from the altar, I did the only thing in my power to secure happiness to both,—or at least, to secure us from the misery that was falling on us like a mountain. You hated Henry Falconer”—

“I did—No, no! not *hate*; it was not hate,” murmured the Captain’s daughter.

“You hated him, Catherine, and—why should I fear to speak it?—you loved another—you loved *me*, Catherine—By heaven, it is true! I felt it, and I knew it; else how could I have done this thing? It is true—and hide it not from yourself, since your own weal, as well as mine, depends upon your resolution this moment.”

“Speak not to me so, oh, for heaven’s sake do not,” cried Catherine, weeping—“I never gave you cause. Take me only to my father.”

“To wed with Henry Falconer, and pronounce a vow your heart forswears?”

“I will never marry him—never, never!” said Catherine, with vehemence: “I would have told him so, only that my father stood by, and I knew it would kill him.”

“Catherine, hear me—I am neither traitor nor outlaw, and though associated with such for a moment, it is for your sake only.—I have wealth, Catherine,—substance enough and a fair name. Share these with me.”—

“No, no! oh speak not so,” said Catherine; “speak to me only of my father, and take me to him. He loved you well, Mr. Hunter, and you have not well repaid him.”

"Choose, Catherine," said Hyland, gloomily; "if you will return to him, it shall be so:—I am not the ruffian to force you a step further against your will."

"Heaven for ever bless you!" cried the maiden. "Oh be quick, lest it be too late—Take me back, take me back!"

"Yes, take us back, take us back!" cried Phœbe, whose weak mind, yielding with facility to the contagion of Catherine's example, was now as full of terror as before.

"Think once more, Catherine," said the young Gilbert, with a faltering voice—"Of myself I speak not—I will not think what your return may cause me; but think of what wretchedness it must inevitably bring to you.—Catherine, there is sunshine for us in the island.—Say but the word—you will fly with me!"

"Never!—Oh my father! take me, Herman, to my father!"

"It is well," said the youth, sullenly; but motioning as if to assist her to the saddle, "you shall return to him."

"What fool's play is this? and why do you loiter?" cried Oran Gilbert, riding back to the group, who had been left by their sudden pause far behind: "To horse and to the river!"

"It cannot be," said Hyland: "we have erred,—we have done a great wrong, and must repair it. Brother, this maiden must be returned to her friends."

"Madman! what do you say? Have her silly, girlish whimsies so frightened you? Away with you to the front, and I will fetch her!"

"I have said it, Oran," rejoined Hyland, in a firm, though deeply dejected voice. "I have agreed to take her back, and I will do so. If you will allow me a guard, I will not delay the band a

moment; and will answer for the lives of those entrusted to me."

"Fool and madman!" exclaimed the brother, in a fury, "must I force you to your senses? What ho, there, Hawks! two of you return; and Dancy Parkins, lift that girl to the saddle, and bear her off."

"Fear not," said Hyland to Catherine, who, with woman's inconsistency, threw herself into his arms, the moment she heard the dreaded order.—"You but frighten her, brother!—Make me not more wretched than I am, by forcing me to shed the blood of any of your people.—I will shoot any one who touches her."—

"Myself, boy?" cried his savage brother, leaping from his horse. Then pausing, for at his approach, Hyland lowered the weapon he had raised to make good his words, he said sternly,

"Choose for yourself.—Bear her along, and be rewarded by smiles in the morning; take her back and die, like a mad wolf, in the trap that has before maimed you. Mount horse, Dancy Parkins, and begone; and you, Hyland Gilbert, mount and follow, or stay where you are and perish.—Will you on?" he added, with inexpressible fierceness.

"When I have put this lady in safety, but not before," replied Hyland.

"Die then for a fool, or help yourself as you may," said the elder brother; and mounting his horse, he instantly galloped out of sight.

None now remained with Hyland save the two maidens; for even Dancy, awed by the voice of the refugee, had deserted the once-willing Phœbe. He turned his eyes towards the retreating figures, as if doubting whether they could wholly desert him; but he heard the tramp of the steeds ring farther and fainter each moment, and it was plain that the incensed Oran had abandoned him

to his fate. He assisted Catherine to mount, and Phœbe likewise; then taking Catherine's bridle in his hand, he turned the horse's head, and began to retrace his steps without uttering a word. A moody silence possessed him, and even Catherine's voice, now sobbing out her broken gratitude, failed to draw from him more than a few sullen monosyllables.

"It shall be as you will," he said; "but let us speak no more.—What matters it now to utter vain words?"

The dejection, nay the despair, of spirit conveyed by every tone, smote Catherine to the heart; and had he possessed the art, or the will, to take advantage of the feeling which his evident desolation produced in her bosom, he might yet have won her to his purpose, and borne her afar from parent and friend. But he had neither; he heard her trembling attempts at kindly utterance, (for it was now her part to play the soother,) with apparent indifference; and even when she turned her weeping face towards him, and, in the impulse of real affection, laid her hand upon his, he drew away as with scorn or anger.

Their flight had carried them almost to the base of the mountain; and, obscure as was the night, it was plainly distinguishable at that spot where the convulsions of chaotic ages have riven it from the summit to the base, thus hollowing a pathway for a broad river under the shade of its majestic crags. As they turned from it, a pale light glistened among the pines and oaks of the eastern hill, but so faint and dim that one could scarce pronounce it the peep of day-spring. Such, however, it was; fast as had been the flight, it had been over a road where absolute rapidity is, even at this day, rather to be desired than expected; and, had she continued with the wild band, Catherine would have seen

the sun steal into the sky, ere they had buried her in the savage recesses where they found their own cities of refuge.

As the day dawned, however, and long before the sun was yet seen, wreaths of mist began to curl along the mountain top, and even to creep over the river; and before they had ridden much more than a mile, it was seen rolling along these lesser uplands that give such beauty to the whole district, and settling upon the moist woodlands.

This was a circumstance which one in Hyland's situation might have deemed providential, if desirous of avoiding observation. But it is questionable whether, while brooding over his melancholy thoughts, he gave much reflection to the peril that might attend his return to the haunts of men. Peril should, at least, have been anticipated; for whatever had been the check given by the band of outlaws to the first pursuers, it was not a moment to be doubted, from the audacity of the pursuit, as well as the greatness of the outrage, that the chase would be resumed the moment the pursuers could add to their numbers. But dejected as was his spirit, he was not yet reduced to such a state of stupor as to be wholly unmindful of his safety; and of this he gave proof by suddenly halting upon a naked hill, strown over with rocks, and wholly desolate, though breathing into the mist a world of rich odour. It was, in fact, covered with a growth of sweet-fern,—a shrub around which the early thoughts of affection had shed an interest not to be attached even to the rose or violet, though henceforth that interest was to be of a melancholy and painful character. It was the hill on whose summit he had, scarce an hour before, preserved her from the grasp of a villain; though this she knew not, for the mists concealed objects from the eye, and it was not yet sunrise.

As he paused, he bent forward to listen, and drew a pistol from his saddle-bow, but instantly returned it, muttering, "It is no matter—if they take me, let it be without bloodshed."

"Herman,—Mr. Hunter, what is it?" cried Catherine. "You will not pause now?"

"Now I must, or never," he said. "You are safe,—your friends are at the bottom of the hill; and unless you would have them murder me in your sight, I must begone. Farewell, Catherine Loring: if you can be happy, God grant that you may be so. I have done you a great wrong; but I bear that in my bosom which will avenge you. Farewell, Catherine,—farewell, and for ever."

"Herman, Herman!" murmured the maiden, turning upon him a countenance of death, and gasping for utterance.

"Farewell, Catherine," he said, wringing her hand; "they are upon us. God bless you—farewell."

He rode away—it was but a step: the trample of a body of horse was now plainly heard—he looked back upon her—his countenance was bathed in tears. She stretched forth her arms, and murmuring, in a broken voice, "I will go with you—take me, Herman, take me!"—was in a moment locked in his own embrace. He snatched her from the saddle, and, as she clung to his neck, dashed the spurs into his good roan steed. Had the words been pronounced a moment earlier, nay, but an instant, he might have made his escape, and borne her off in safety. But the decision was as late as it proved to be fatal. Phœbe had already heard the trampling of the approaching horsemen, and Hyland had called them friends. She could scarce repress a cry of delight; but when, catching Catherine's last words, she looked round and beheld her, as she thought, in the act of

being again snatched away, she raised her voice in a scream that was heard by the most distant of the approaching party, and was echoed by a shout coming from fifty voices.

Again Hyland struck the spurs into his horse, and the fire sparkled from his hoofs as he dashed down the hill; but fire flashed immediately after from the hoofs of twenty others, fresher and perhaps fleetier.

"Shoot not, or you will kill the lady!" roared a voice in his ear.

"Surrender, dog, or die!" shouted another, who was indeed no other than Henry Falconer; and almost in the same instant, as three or four closed upon the unfortunate fugitive, a strong arm snatched the fainting Catherine from his grasp, and a pistol, held by Falconer, was thrust into his face.

The young Gilbert was weak with wounds and sickness, and worn out with toil, watching, and grief; his native spirit was thus in a manner crushed and prostrated; and he would perhaps have yielded himself passively up, if not too bitterly goaded by the taunts and violence of his captors. Such was the opinion of two of them, who, supposing he had already yielded, withdrew their hands, that they might give assistance to the fainting Catherine, whom captain Caliver had so fortunately redeemed from the midst of the fray. But Gilbert had not yet rendered himself. The sight of his rival, exulting in his capture, and menacing him with voice and weapon, inflamed his dying passions. He turned with sudden fierceness, checked and spurred his steed at the same time, and thus caused him to vault into the air with a violence which would have speedily released him from Falconer's grasp, had not his purpose been rather to attack than fly. As he executed this feat, he presented his own pistol, and drew the trigger. The

explosion of two pistols at once was followed by the rush of a dozen men to separate the combatants; and the next moment both were seen rolling upon the ground, Falconer lying clear of the melée, and Hyland in the hands of the vengeful Sterling, whose horse, White Surrey, had overthrown the youth, together with his roan steed.

“‘Sessa! let the world slide!’” cried the renegade, with a voice of thunder, but a countenance ashy pale. “Here’s work for the hangman—I have him fast enough. *Victoria!*”—

But at this moment, a sudden alarm was sounded, and all who could starting up, they heard a wild yell sound from the base of the hill to the north, and the words, pronounced by a voice strong and clear as a trumpet, “Royal Refugees! charge! and bear them to the ground!”

“Huzza!” shouted the captain of cavalry, “here’s the rat running at the lion! Now open your mouths and swallow ‘em! By the eternal Jupiter, we are five to their one; and more fools they for not knowing it. Sweep them from the earth! charge them! on!”

The refugee had relented; the sound of the pistols had quickened his steps; but he dreamed not of the force now arrayed betwixt him and his abandoned brother. A sheet of fire from twenty pistols blazed through the mist, as twice as many enemies rushed against his little band. They broke at the first fire, and the sounds of pursuit, both hot and fierce, were soon lost in the distance.—It was not until many hours had elapsed that the result of the contest, although it could be easily imagined, was fully known. Two of the refugees had been killed, and one was taken prisoner; while the others, abandoning their horses, which were worn out, and hence easily captured, succeeded in making their escape to the woods.

In the meanwhile, those who remained upon the hill busied themselves in securing the unfortunate Hyland, who was unhurt save by the fall of his horse, aiding the maidens, and raising young Falconer from the earth. This unlucky youth muttered a few words as they lifted him, but, to their horror, almost instantly expired. A pistol bullet had penetrated his throat, dividing the great jugular, and even shattering the spine. His battles were fought, and his dream of folly over.

In the recovery of Catherine and the serving-maid, the company of pursuers had effected the chief object of the expedition; but it was still felt to be a matter of great importance to destroy the relics of the refugee band which had haunted the county so long. The greater number of the pursuers, accordingly, devoted themselves to this object, while enough remained on the hill to take charge of the rescued females, the prisoners, and the dead.

The life of Hyland Gilbert, whom his captors, exasperated by the murder, as they called it, of Falconer, were at one time on the point of tearing to pieces, was saved through the firmness of lieutenant Brooks; but he was treated with much indignity, and even cruelty, being straightway bound both hand and foot to his horse, and thus carried away like the meanest and most desperate of felons. A pair of rude litters were hastily constructed, in one of which was carried the Captain's daughter, while the other supported the clayey corpse of the bridegroom.

These things effected, and the honest Mr. Sterling assuming the station assigned him in the centre of the party, where, although enjoying all appearance of liberty, he was yet esteemed a kind of honourable—or, as the phrase should be, dishonourable—prisoner, the melancholy cavalcade pursued

its way back to Hawk-Hollow, within a few miles of which, its leaders stumbled upon Captain Loring and a party of footmen, over whom he had assumed the command. It consisted of no less, indeed, than that identical company of volunteers who had won such immortal distinction on the fourth of July, by their valiant attack, with empty muskets, upon the flying Oran. The reappearance of their enemy was enough to recall them to the field of battle, though they came somewhat of the latest; and uniting themselves with a party of countrymen and domestics whom Captain Loring had previously assembled, and whom he was now gallantly leading to the field of honour, they yielded to his energy the obedience he seemed to consider a matter of right, and thus constituted him commander-in-chief, without much regard to the claims of their own elected officers.

The morning was still misty, so that lieutenant Brooks and his party stumbled upon this formidable detachment without seeing it, or suspecting its existence; and had it not been for the sharpness of his ears in detecting the tones of Captain Loring's voice upon a hill he was just ascending, it is highly probable the magnanimous volunteers would have wiped out the disgrace of their flight before a single enemy, by pouring a warm and well-directed fire into a superior body of friends.

He paused a little,—for he rode at some distance in front of his party,—and distinctly heard Captain Loring's voice giving the following orders to his volunteers:—

“Hark!” said the veteran; “adzoinks, you may hear their horse now as plain as the cocking of a sentinel's musket at midnight. Halt, ye vagabonds, and prepare for action. When I say *prepare*, I mean, adzoinks, be ready to swinge 'em. You, Dan Potts, John Small, and Peter Dobbs, detach

yourselves to the right, six rods from the road, and lay by to flank 'em: Dick Sturgem, Sam King, and Absalom Short, wheel to the left, and do the same thing—and mind you, you scoundrels, don't any of you be frightened; for, adzooks, I despise a coward above all created things. And harkee, you scoundrels, no gabbling; hold your tongues like soldiers, and talk with your muskets: that's what old general Spitfire used to tell us—'Sons,' said he, 'a soldier should always keep his tongue in his musket.' So be off, and stand fast, flanks; and bang away as soon as you see any thing to bang at. Centre, attend: as soon as you hear the flanks at it, you are to crack away, and give no quarter—no quarter, you scoundrels, do you hear!"

At any other moment, the young lieutenant would have been amused at the enthusiasm and tactics of the veteran of the Indian wars; but this was not a moment for jest. He rode forward, hailing the Captain by name; and the old soldier soon forgot his rage and his followers together, to weep in the arms of his recovered child.

CHAPTER XI.

2d Clown. But is this law?

1st Clown. Ay, marry is 't; crowner's-quest law.

HAMLET.

WE draw a curtain over the scene of distress displayed in Gilbert's Folly, when the body of Henry Falconer, late the gayest of its inmates, was laid at the feet of his father and sister; and pass to that which followed, when a justice of the peace, acting in the place of a coroner, assembled a jury of inquest around the bloody couch, to determine from the melancholy story of the dead, the fatal responsibility of the living. The official was a personage who exercised, along with the duties of a magistrate, the equally dignified functions of mine host of the Green Tree Tavern; and was, indeed, no less a man than that rival of Elsie Bell, whose formidable opposition, many years before, had completed the downfall of the Traveller's Rest. He was now a man of substance, portly in person, and inflated by the dignity of office into a certain dignity of manner; his step was like the roll of a ship, and when he breathed, it was with a forcible and majestic expiration of breath, like the snort of a war-horse. He had been noticed, as he advanced in the world, for the independence,—or, to speak more strictly, the tyranny with which he conducted himself among his guests; not, indeed, that he ever beat, or even committed them, as, in virtue of his office, he might have done; but because, as

he said, he heartily ‘despised peing pottered mit ‘em.’ He was not austere or quarrelsome of disposition, but he was a lover of his ease in his inn; and his despotism was shown less in violent opposition than in contemptuous indifference of all humours save his own. He abhorred all fault-finding, but as he equally detested the trouble of reprehending it, he devised a scheme by which discontent was either nipped in the bud, or severely reproved as soon as made manifest, and all without any labour on his own part. He caused to be painted on his sign-board, having daubed off the green tree to make room for it, the following cabalistic legend,—

Der ist glücklich, welcher zufrieden ist.

which he was accustomed to translate, *viva voce*, to all incapable of understanding it, in a quaternion as remarkable for its expressive simplicity as for its philosophic comprehensiveness:

He vich is vise
Neffer grumples nor cries;
He vich is neither vise nor ciffil
May go to the diffil.

This,—that is to say, the original morceau,—as he justly conceived, contained a standing answer for all grumblers, and by being in such a conspicuous situation, served as a warning to them beforehand; while, at the same time, if a guest chanced to forget its existence, it only needed the philosophic Schlachtenschlager (for that was the dignitary’s name,) to point to it with his finger, and demand, ‘Fat does that mean?’ to bring him to reason. At all events, his translation was always at hand, in case of extremity, and was of such supreme efficacy in laying all evil spirits by the heels,

that he used to declare with triumph, ‘It fas neffler needs to say it twice.’

Such was the functionary who now introduced his assistants into the chamber of death, exulting in his own importance and his success in completing the number against all the difficulties resulting from the confusion into which the county had been thrown by the second appearance of the refugees.

“I do afer, on my faith, gentlemen,” he said, wiping his brows, as he entered, “I had more trouple making you up than is goodt for nothing. As for that Jake Sheeps fat run afay, I fill commit him, the villain.”

“Ay, Squire, when you catch him,” said one of the party, who, although as coarse in appearance as the others, (all being, save himself, ordinary farmers and ignoramuses, such as could be picked up in a hurry,) but who soon proved himself possessed of more brain than all the others together, —“when you catch him, Squire. But harkee, Schlachtenschlager; concerning this forcing *me* on a jury of inquest,—’tis a sort of a breach of privilege. As an attorney at law, I should be considered exempt; for if there’s no statute for exemption, why there’s custom, my old boy, and I’ll mulct you in damages. Botheration, Squire, you should know enough law to steer clear of a lawyer.”

“T’at for your law!” said the magistrate, “and your lawyer too: I knows my pusiness. And if you grumples and calls me ‘old poy,’ it vill pe vorse for you; for old poy means the tyfel, and if you calls me tyfel, mine friend Affidafy”—

“Tush,” said the lawyer, it means no such thing. But as you have nabbed me, why make haste with this stupid business, and be done. Look at the body, guess your guess out, and let me be gone.”

" 'He vich is vise,' "—

muttered the justice; but was interrupted by Mr. Affidavy crying, blustery,

"The devil take your verses. Come, let's to business. Now, Squire, you 'know your business,' —you never, I reckon, held an [inquest before in your life;—how do you begin?"

"How do I begin?" said the official, scratching his head; "fy, I reckons, ve must have a talk apout it, and then say, the man vas murdtered."

"The deuce you must? Why that's prejudging the case altogether. How do you know the man was murdered? where's your witnesses?"

"Witnesses!" said Schlachtenschlager; "fy, I reckons the case is clear enough mitout 'em."

"Ah, I thought you'd say so," cried the other; "but that won't do. Where's the murderer?"

"Vy, I committed him."

"Where's the prisoner, Dancy Parkins?"

"Vy, I committed him along mit the other."

"Where's the informant, that vagabond—(I reckon, he'll be a witness for the Commonwealth)—that stripe-coat fellow, Stirk—Stick,—no, Sterling's his name?"

"Vy, I committed him, too."

"The devil you did? Well, where are the officers, the soldiers, the volunteers, and all the rest that were present?"

"Vy, chasing the refugees, to pe sure."

"Well, so I thought. Now, I'll tell you what you'll have to do: just send off as fast as you can for that fellow Sterling, and Dancy, and half a dozen others, and adjourn till they come; which will give me time to run down to the Traveller's Rest, and administer on old Elsie Bell's estate, or see what there is to administer on."

"Administer on old Elsie? fat the tyfel! is the old fitch teadt?"

"As dead as a herring," said Affidavy; "and there's another job for you. They say, some one told her, the defunct here, Colonel Falconer's son, was shot by young Gilbert; and the harridan screeched, and fell dead with fright."

"Mine soul!" said the justice, "they're all tying. There's the Captain's daughter here,—they say she's tying too. I vant to take her teposition; but Dr. Muller says she can n'ither speak nor hear."

"Well," said the attorney, "you see there's nothing to be done here at present. So, adjourn's the word, and down to hold an inquest on old Elsie. She has been looking up in the world lately, and they say she'll leave something. I intend therefore to administer, or see about it—and by the way, Squire, we may discover something there in relation to the murderer. He lived in her house; and, there's no doubt, the tories made it a place of rendezvous. We can come up here and finish afterwards."

"Fell, I don't know," said Schlachtenschlager; "it's all vone, except for the trouple of going and coming. But fere's Jake Musser?" he added, in sudden alarm; "I declare ve're not all here!—Fy, Jake, fere have you peen?" he continued, as the individual, whose absence he had just discovered, entered the apartment.

"Vy, at Elsie Pell's;—I stopped a moment to get a trink; but old Elsie vas sick, and the plack girl vas in a fear, and"—

"Siek!" cried Affidavy, "a'n't the old goose dead? 'Pshaw! why then we'll go on with the inquest, and say no more about it. I thought there was a job there for somebody; but, it seems, it is only for the doctor. Well, Squire, are you ready?"

"Yes," said the official; "but now, Mr. Affidavy, fat shall we do for witnesses?"

"Tush," said the man of law, "that's neither here nor there."

"Fy, you said, it wouldn't do mitout 'em!"

"Oh, that's according to circumstances, and here we have circumstances enough to hang the whole county."

"Fell, then," said the magistrate, "we'll pring it in a case of murder. Are you all agree'd? Fat says you, Peter Pork?"

"Why, I dunna," said Peter, "but I reckon so."

"Fat says you, Thomas Pork?"

"Why, I dunna; but I go with Peter."

"Fat says you, Jacob Musser?"

"Fy, the same: but I reckon the Captain mought send us up something to ddrink.—It's a very pretty pody."

"Never mind the pody, Jacob. Fat says you, Jack Darpy?"

"Why, I'm no so clear in the matter;—I'm ag'in' all hanging."

"Fy, that's none on your pusiness," said the magistrate, assuming an air of dignity; "for you see, John, the coroner's jury is not the hanging jury."

"Well, Squire," said the nonconformist, "I reckon I know that as well as any body. But, you see, I've had a talk with the quakers on this matter, and I'm coming to think it's ag'in' the law of scriptur' to bring a man to the gallows. And you see, the matter all rests on our shoulders; for if we say murder for our 'quest, why then the grand jury sings the same song for their indictment, and the petty jury just follows suit. It's just like sticking three bricks on an end; if you kick one, why down goes the second, and clack goes t'other. And more-somover, what Squire Affidavy says I stick to: I

don't know the man's murdered, not an iota, without some one to swear on black and white."

"Fy, take a look at him, John," said the Squire in a heat; "he's deadt, a'n't he? and he has a pig hole in his neck, ha'n't he? and fat more fould you haff? You're always preeding trouble, John Darpy!"

"Well, I dunna," said John; "the man mought ha' shot himself; for they say he was a peeler at the bottle, for such a young un; and when folks drinks, there's no saying what'll come of it: it's just as much as saying, 'Clear the course, here goes for the devil!'-Squire Affidavy, what do you say to that?"

"Hem"—replied the man of law, looking at his elbows, which were somewhat of the whitest, with an attempt at humour, that faded in a moment before a look of sullenness and anger, "I say, that you're a fool, though you stumble upon wisdom now and then by accident. But none of your sly winks and blinks: we all know you have not brain enough for drinking. But stop; we've carried this joke far enough, and the fun is over. Send down stairs for the girl Phœbe Jones: she was on the ground when the shot was fired, and we must take her testimony."

"Fy, now I remember, so she fas," muttered the magistrate; but added, with a sigh like theough of a north-wester, "Put it is a great trouple to swear a woman."

The testimony of Phœbe was, however, by no means so satisfactory as was expected. It is true, she professed herself able to swear that Mr. Hunter Hiram Gilbert shot Mr. Falconer; but it soon appeared she was as ready to swear he had shot herself, and some dozen other unfortunate persons into the bargain. In truth, the dreadful conclusion of an adventure which she had been brought, at

one moment, almost to consider an innocent and agreeable frolic,—the condition of her mistress, from whose bed-side she had been summoned,—and the spectacle of the ghastly corse of the bride-groom before her eyes, more than half turned her brain. She answered therefore by yea and nay, and just as the question indicated the reply; until Mr. Affidavy, a man of some little tact in his profession, although low and debauched habits had ruined his prospects and reputation together, thought fit to interfere, and by a little management, made it obvious, even to the dull brain of Schlachtenschlager, that the girl, although an actor in the tragedy, knew no more of its details from her own observation, than they themselves.

They were relieved from their dilemma, however, by the sudden appearance of lieutenant Brooks, who delivered a brief and clear account of the catastrophe, as far as he had witnessed it himself; and his testimony left it no longer to be doubted that the unfortunate defunct had fallen in consequence of a pistol-shot fired from a weapon in the hands of Hyland Gilbert. He produced the instrument, which, as well as the pistol discharged by the deceased, he had picked from the ground, and now delivered, along with their fellows, and a pair taken from Sterling, to the magistrate, averring that they were in the condition in which he had found them.

“A very pretty pistol,” said the official; “but how is this Mr. Lieutenant? did the young fellow fire them all?”

The soldier stared his honour in the face, and smiled; but his eye fell on the body of his friend, and the flash of humour faded into clouds.

“This weapon,” said he, touching one, “I presume to be that by which Mr. Falconer was slain. It was picked from the ground by Mr. Gilbert’s

side; the fellow to it, was found in the holsters attached to Gilbert's saddle. This," he added, pointing to another, "belonged to my unfortunate friend, and was that with which he shot at the prisoner."

"Fat!" cried the official, "did *he* shoot, too?"

"Undoubtedly: I plainly distinguished two explosions, the one immediately after the other."

"Fy then, mine Gott!" said Schlachtenschlager, looking round upon his assistants with an air of unutterable sagacity, "this, mine friends, does ferri much alter the case. It vas not murder, but a fight. Who fires the pistol first?"

"Sir, that is impossible to say. But allow me to suggest a doubt whether that is necessary to be inquired into. With deference, I should suppose the object of this inquest would be simply to determine who shot the pistol that killed the deceased; leaving all other questions to be determined by other tribunals."

"Pshaw!" said Affidavy, who seemed to derive no little private amusement from the ignorance of the magistrate, when suffered to run its own course; "you have spoiled the sport. The young gentleman is, however, right, Squire, and"—

"Holdt your tongue, Mr. Affidavy, and let me mindt mine own business," said the magistrate, in some wrath; "sure I know fat I am about! And hark ye, Mr. Witness, you are a very goodt young man, and an officer, and a gentleman; put you must not tell me fat I am to do, nor fat I am not to do."

"Surely not," replied the witness; "I will not be so presumptuous."

"Right; you are a very goodt young man, and an officer, and a gentleman; and you have very goodt sense.—Fat do you think I must say in this

case? for, mine Gott, it puzzles me! Mine own opinion is, that somebody shot this young man."

"It cannot be doubted, sir."

"And that that somebody fas him fat shot the pistol fat fas *not* shot by the young man fat fas shot."

"Very true, sir."

"Ferry fell, sir," continued the official, with dignity; "now show me the man, and you shall hear fat I have to say for mine inquest in no time."

"The man you speak of is by this time lodged in the county prison under a warrant issued by yourself. There were two pistols discharged, one by the deceased, the other, as I can swear to the best of my belief, by the prisoner; and I can bear witness in like manner, that my unfortunate friend owes his death to the pistol discharged by the prisoner."

"Fy then, the case is clear enough, and I wonder you couldn't say so much before. Do you swear to all this?"

"I do."

"Fell now, come;—fat fas the reason of all this running afay, and murdering?"

"That, I beg leave to suggest, is a question entirely irrelevant."

"Is it? Fell then, fy don't you answer it?"

"Pshaw!" mumbled Affidavy, who was perhaps wearying of a sport he did not himself direct. "Squire, you may discharge the witness: we have laid our heads together and agreed upon a finding."

"Fat! mitout me?"

"Certainly. You don't think *you* are to make the verdict?—The witness will be pleased to retire," he added, and the lieutenant, looking once more on the dead, immediately withdrew.

"We find, Squire," the attorney went on, "that the deceased came to his death in consequence of a pistol-bullet shot into his neck by Hyland Gilbert, otherwise called Herman Hunter. If you want to be learned about jugulars, carotids, parotids, and so on, we will call in Dr. Muller, and have him examine the wound."

"Fy, I don't know any thing about them things; put I don't see that you say any thing apout murder?"

"Not a word: as you said yourself to Jack Darby here, the coroner's jury is not the hanging jury."

"Fell now, the matter's finished, and I am ferry glad. I suppose it is all right?"

"Entirely—the young Hawk is as dead as a chicken."

"It is a clear case then, Mr. Affidavy," said the dignitary, with a long and tempestuous breath, indicating the satisfaction he felt at being released from labours so overpowering, "they fill hang the young villain?"

"Why that depends upon circumstances, Squire."

"Oh the tyfel! it is all 'upon circumstances' mit a lawyer?"

"It is a good ease on either side," said Affidavy; "and not so bad on the prisoner's as might be supposed,—that is, if he had but money to make it an object to take up his cause."

"Mine Gott, he has money! There fas his fatch; 'twas goldt, and worth forty pound."

"Eh! indeed? has he a gold watch?"

"And there fas a purse of guineas"—

"Of guineas!"

"And there fas a—fat you call it?—a pill of exchange on New York, and a letter of credit,—mine Gott, it fas mitout limit, except time; put I toubt me, it fas not goodt."

"Botheration!" cried the man of law, in a fervour, "who'll lend me a horse to ride to town? I remember now, there was a story that the youngest son of the Gilberts had a rich aunt in Jamaica."

"Fell, if he had?"

"Why then, I'll certainly volunteer him the aid of my professional skill; and, murder or no murder, I'll bring him off."

"You don't say so, Mr. Affidavy?"

"Botheration, I do. A letter of credit without limit? Who has it? did you save it?"

"No; I gave it pack to him; put I took an inventory of all in his pockets."

"Well, Squire, you're an honour to the profession. Lend me a horse."

"Fy, if I had you put down to the Creen Tree, and you fould promise to keep soper"—

"Tush, I will. But let's be off, and in a hurry. You are a merciful man, Squire Schlachtenschlager—It is a pity this poor friendless young fellow should be hanged for nothing."

"That is, mitout paying nothing to the lawyer? Ho, ho!—Put it tooesn't do to laugh by a teadt pody, fen his fader, and moder, and all his friends is seeping and crying. Fat is to pe done mit these Hawks? Can't nopody catch pig Oran? I fill give one pound of mine own money for refard; for, I do afer, he toes give me much trouple. Fell, gentlemen, all is right. Now fill ve all go to the Creen Tree, and ve shall have some prandy to dtrink. Fere is some pody to light mine pipe? A fery padt piece of pusiness, and fery pottersome. I vonder fere they fill pury the young man? Fell, gentlemen, let us pegone."

CHAPTER XII.

Your mountain Sack, your Frontignac,
Tokay, and twenty more, sir,
Your Sherry and Perry, that make men merry,
Are deities I adore, sir;
And well may Port
Our praise extort,
When from his palace forth he comes,
And glucks and gurgles, fumes and foams.
Gluck, gluck,
Hickup, gurgle and gluck.

OLD SONG.

If one were to judge the traits of the vulgar from the indulgence they exhibit towards certain vices, or certain instances of their occurrence, it would be easy to show that man is, at bottom, a good-natured animal. It is certain that he betrays an extraordinary leniency in the case of a vice which all unite, in the abstract, to condemn; and that many men derive an importance from the sacrifice of reputation and mind to the Imp of the Bottle, which they might have failed to purchase by a life of wisdom and sobriety. It is not uncommon to find, in some rural districts, men of gross and degraded habits, whom a rational creature would spurn from him with contempt, and who are indeed the butts of ridicule or objects of commiseration, even among their own immediate neighbours; but who, strange to say, are regarded with a species of admiration, growing directly out of their profligacy. Such, we are sorry to say, are some of the rustic professors of law and phy-

sic, who, possessing a little talent, but no industry, prefer whiling the period of probationary idleness at the door, or in the bar-room, of the village tavern, to devoting it in the closet to that labour which is the only stepping-stone to distinction and fortune; and thus contracting a love for something more than idleness, and slipping, little by little, towards the bottom of the hill, are seen at last, downdraughts, with swollen visages and seedy garments, mingling among the coarse and base, themselves perhaps the coarsest and basest. You will see such a man gibed and laughed at by the lowest of his companions, as something that even they can despise; for whatever may be the hatred with which the humble regard the more lofty, they are the first to appreciate the degradation of a downfall; but the next moment you will hear them talk of him with praise. Is it 'the poor doctor at the Cross-Roads?' 'Oh, he is a ruined man, to be sure, and a sot; but he cures, when another man fails; somewhat dangerous now and then, when too 'far in for it,' but a marvellous hand at 'rheumatisms and the fever.' Is it 'crusty Ned Jones, the lawyer?' 'Drinks like a fish, but with more sharp stuff in his brain than all the bar beside; a devil of a fellow to corner a witness, break a will, pick a flaw in an indictment, and set a jury a-sobbing: great pity he drinks,—but he's a tremendous orator, and all the better for a glass or two, in a hard case.' We have heard of a lawyer, a lover of his glass, who reformed his habits, and lost his practice.

The worthy Affidavy, who played so prominent a part in the jury of inquest, was one of this unfortunate class of beings, although he had commenced the world with as fair prospects as could be derived from a moderate share of talent, and some native energy of character, and was yet in

the prime of his years. He had sunk into poverty and neglect, was any man's fellow, and every man's scorn; yet the lower he sunk, the loftier became men's opinions of his natural parts and his professional knowledge; and Squire Schlachten-schlager was wont to say, ‘he believed Affidavy mate petter speeches now than he tiddt afore, fen he fas a soper man.’ While such generous opinions prevailed, the lawyer had still ‘something to do’ in the way of his profession; but the sad condition of his outward man showed that this was far from being profitable. Indeed, if the truth must be told, his admirers, though of humours sufficiently litigious, were oftener inclined to employ than able to pay; and those of better estates, however they marvelled at the sagacity, and applauded the speeches of the man of buckram, were rather shy of applying to him for assistance, until they felt their cases to be growing desperate. The consequence of this state of things was, that Mr. Theophilus Affidavy was compelled to resort to many shifts to obtain a subsistence, that added little to his reputation; and would indeed have been hooted from the county, had he not been protected by the armour of imputed genius, which his habits seemed to fasten around him.

The account he received of the wealth of the unfortunate Hyland produced a strong effect upon his acquisitive propensities; and he saw at a glance, that if his counsel could be of no benefit to the prisoner, it might undoubtedly be of some to himself. “He is a Hawk of the Hollow,” he muttered to himself, “and so every one will be against him. Good! There will be much apparent merit therefore in undertaking his defence. His case is bad,—awful bad—better! To volunteer in such a case, will infer at once the possession of extraordinary skill, worthy of extraordinary re-

ward. He has money—excellent! But, botheration, the other Jack-brains will find that out, and dive at him before me. Must have Schlachtenschlager's horse, if I have to steal him—nobody else will lend me one. An old ass; but can twist him round my thumb as easily as a tape of tobacco."

Such were the reflections of the attorney, as with his brother jurors, one of whom had given him a seat in his little Jersey wagon, he followed Schlachtenschlager, to share the feast this worthy had prepared for his associates at the Green Tree.

The soliloquy of the lawyer seemed to infer a doubt of the performance of the promise Schlachtenschlager had so generously made of lending him a horse. This doubt was engendered by a sudden change in the sky, which, from having been perfectly clear and placid, suddenly began to be covered with clouds, and these of an appearance so gloomy and menacing that full half the jurors became alarmed, and, excusing themselves from accepting the proffered hospitality, hurried to their homes, leaving the revels to be shared by those who dwelt in the Squire's immediate neighbourhood. The attorney, wonderful to be said, had as strong an impulse to be gone as others, although fully sensible of the excellence of the magistrate's potables, and of the painful sacrifice he should make in tearing himself away; but on the other hand, he perceived that a violent thunder-storm was brewing, and he knew the Squire to be a prudent man, who loved his beast as he loved his wife, and indeed a great deal better, and would be loath to lend him after the storm had once set in. For this reason, as soon as he had reached the inn, he reminded the Squire of his promise, swore he would drink but a single glass, and then be off, without waiting for the rain.

The Squire scratched his head, and replied,

" Vy, Mr. Affidafy, I don't know. The veather vill be padt, and I don't like it: it vill pe padt on the horse. So, Affidafy, ve vill vait a little and see; and, pesides, my poy," added the dignitary, clapping him on the shoulder, as if to atone by condescension for the disappointment he inflicted, "ve fill not forget the dtrinking, and the jolly-making. Py mine heart, my poy, ve fill have petter fun for you than trampling about in the rain mit a stumpling horse. Fat, man, fy we're all Deutschers put you! Here's Jake Musser, and Hans Fackeltrager, and Alberick Klappermuhle, and Franz Beschwerlich, and Simson Kleiber, and mineself; and then there's you. Mine Gott, ve fill be jolly; for I will proach a parrel of Nièrensteiner,—mine soul! it is as goodt as any in the whole Rheingau! and I do keep it for mineself. And ve fill ddrink and ve fill sing, as if ve fas all in the Rheingau itself; for my woman, Gott pless her, she is cone to the fillage, and the poys is out a looking after the ploody Hawks. Aha, Affidafy, my poy! you shall see fat it is to ddrink Rhine wine, mit six goodt Deutschers to help you. Fat do you say, poys? can you sing the Rheinweinlied in a t'under-storm? Aha, you see, Affidafy! Fell, if ve are few, vy ve fill be merry."

It was in vain to pursue his desire, at such a moment; and indeed the attorney's blood tingled with joy at the thought of the flowing bowls, offered in such an oration. "Very well, you old fool," he muttered to himself, "I will drink till your cursed sour old cider trash, that you call Rhine wine, has opened your heart; and then, botheration, I will bubble you out of the best horse in your stable. Well, it is well it's no worse: it *will* rain, and that cats and dogs."

The indications of the weather were not falsified

by the event. In less than half an hour after all were safely housed, the heavens were covered with pitchy clouds, from which were discharged dazzling thunderbolts. Then came a terrific blast of wind, rending boughs from the trees, and making the chimneys rock on the housetop; and this again was followed by a furious driving rain, falling in such torrents as promised in a few hours to swell the smallest brooks into impassable rivers. This continued until nightfall, and was then only terminated to be succeeded by deceitful intervals of calm, broken in upon, even when least expected, by violent gusts of wind and rain.

It is not our design to pursue the conversation, nor to describe the revels of the six Deutschers and their American companion, under the roof of the Herr Schlachtenschlager. Secure from the tempest, they defied its rage, and made even the roar of the thunder and theplash of the rain contribute to their enjoyment. Armstrong has described, in a few lines that find a responsive chord in every bosom, the luxurious addition to the comfort of a warm bed, produced by the tumult of a midnight tempest :

“ Oh! when the growling winds contend, and all
The sounding forest fluctuates in the storm,
To sink in warm repose, and hear the din
Howl o'er the steady battlements, delights
Beyond the luxury of vulgar sleep.”

The same cause is said by those who are philosophic in such matters, to add peculiar zest to the hissing of the tea-kettle, and the rattle of the punch-bowl. Perhaps, then, it was the violence of the storm, rather than the excellence of the liquor, which betrayed the worthy Sclachtenschlager and his guests into a degree of conviviality somewhat inconsistent with the melancholy duties they had

just rendered to the commonwealth and the dead. But whatever was the cause, it is very certain they forgot the dead and the commonwealth together, and by nightfall were seven of the happiest men in all the rebellious colonies of America. By that time Affidavy was as glorified in his spirit as the rest; and suddenly starting up in the midst of a crashing peal of thunder, he hiccuped, and then roared,

“Success to the Rhine wine, sweet or sour! and the devil take him that won’t sing its praises as loudly as e’er a rascal of the Rheingau itself! So up, you German pigs, and let’s sing! up, you Hanz, Franz, Alberick, Jake, and Simson! up, you old rogue Schlachtenschlager, for you can sing like a cherubim! and up, you jolly dog, Teff Affidavy, who is up already, and can sing as well as the best! join hands, bring flowers, crown the cup, and sing the Rheinweinlied like seven angels—the Rheinweinlied, you hard-headed, jolly dogs, in broad Deutsch! and after that, we’ll sing it in my own translation, botheration, which is better than the original, for all that ass, Jingleum, says *he* made it. Are you ready?”

“Ready!” responded the happy six; and in an instant every man was singing, at the top of his voice, the famous Rheinweinlied—a song of such noble and heart-stirring capacity, at least so far as the music is concerned, that if it be objected to it, that it has sometimes set a singer beside himself, it may be wondered how any one can hear it and keep sober at all. The winds blew, the rain fell, and the lightning flashed, while this jolly company rose round the table, and sang in concert the praises of old father Rhine.

THE RHEINWEINLIED.

I.

Bekränzt mit Laub den lieben vollen Becher,
 Und trinkt ihn fröhlich leer.
 In ganz Europa, Ihr Herren Zecher !
 Ist solch ein Wein nicht mehr.

II.

Ihn bringt das Vaterland ans seiner Fülle:
 Wie wär er sonst so gut?
 Wie wär er sonst so edel, wäre stille
 Un doch voll Krafft und Muth?

III.

Am Rhein, am Rhein, da wachsen unsre Reben;
 Gesegnet sei der Rhein!
 Da wachsen sie am ufer hin, und geben
 Uns diesen Labewein.

IV.

So trinkt ihn denn, und lasst uns alle Wege
 Uns freum und fröhlich seyn!
 Und wüsster wir wo iemand traurig läge,
 Wir gäben ihm den Wein.

“ Bravo ! bravissimo ! bravississimo !” cried Affidavy. “ Here’s to you, you dogs—‘ *Ihr Herren Zecher!*’ And now for *my* paraphrase. All you that don’t know it, why you may sing the German lingo over again: the two will go very well together.”

So saying, he burst forth on the following *rifacimento* of the original; the others, in general, holding fast to their own more sonorous expressions; the effect of which Babel-like intermixture of languages was to increase the noise, if it did not add to the spirit of the author.

I.

The right Rhine wine!
 We'll crown the cup with roses,
 And quaff about, and laugh about,
 Till all eyes wink!
 Such joys divine
 Sure mother Nature owes us:
 So laugh about, and quaff about,—
 Come, drink, boys, drink!

II.

Our Father-land!
 'Tis that the vine produces:
 How else should be this jolly wine
 So good, so good?
 Long as we stand,
 We'll put it to its uses:
 So laugh about, and quaff about,
 As true souls should!

III.

Oh Rhine! old Rhine,
 With milk and honey flowing!
 There grows the tree so well love we,
 The Vine, the Vine!
 There clusters shine
 On branches ever growing:
 So laugh about, and quaff about
 The good Rhine wine!

IV.

Come, drink, ha! ha!
 And, sure, we'll all be merry;
 Come, drink, ha, ha! come, laugh, ha, ha!
 Oh! ha, ha, ha!
 As full are we
 As e'er a Rhine-wine berry:
 So laugh about, and quaff about,—
 Oh! ha, ha, ha!

It may be supposed that Affidavy had long since, in the joy of revelry, discharged from his mind all

memory of the case which had so inflamed his fancy, and was content to leave it to be snapped up by a more fortunate rival. How far this was from the truth may be inferred from a phenomenon that presented itself about an hour after night-fall, at which period he appeared on the porch, followed by Schlachtenschlager and the rest, all singing with as much zeal as before, but vastly out of time and tune. A saddled horse stood at the door, on whose back some assisted the attorney to clamber, while others were seen holding by railing and pillar, and venting much good counsel with a deal of bad music. The Squire himself stood embracing a pillar, now poking forth his bare noddle to the drops trickling from the porch-roof, and now withdrawing it, to utter divers ‘teufels!’ and ‘donners!’ as the cold element profaned his visage of dignity, yet still maintaining his stand, and expatiating on the merit of the service he was rendering his guest.

“ You see, Affidafy, man,” he cried, “ I’m a goodt-natured fellow: put there’s my horse, my pest horse, and it’s a padt night; and, Affidafy, man, you’re as dtrunk as a chudge, poor man. But ho, ho! that’s no matter, for ve’re all so:

‘ As full are ve
As ever vas a Rhine-fine perry:’

Very goodt that, Affidafy!—Fell, ve’re all mortal sinners; and, mine Gott, there is but little left in mine parrel, and Nierensteiner costs money. Fell! goodt pye, Affidafy, my poy, goodt night. Take goodt care of the horse, for he’s my pest horse, Affidafy, for I’m a goodt-natured fellow as ever it vas. Goodt night, Affidafy!”—And “ Goodt night, Affidafy!” muttered all, as the attorney, fetching a desperate reel in the saddle, waved a

graceful adieu, and turned to depart. Instead of replying, however, to the farewell, he burst out again with

‘The right Rhine wine!’

and the others obeying the invitation, again opened their lips, and chanted *Bekränzt mit Laub*, till he was out of sight. Then they staggered back into the house, to continue their orgies; where we will leave them, to follow the course of the attorney.

CHAPTER XIII.

If thou beest a man, show thyself in thy likeness : if thou beest a devil, take 't as thou list.

TEMPEST.

THE violence of the storm was over, but the ferment in the elements was not yet allayed. The clouds had broken, and ever and anon, through their ragged gaps, the eye might trace fields of blue sky, studded with stars, which were as suddenly swept out of sight, as gusts came roaring from the tops of distant hills, discharging brief but furious showers.

On such occasions, it was not easy to pick a way along the road, which was washed into gullies and scattered over with the riven branches of trees, besides being, in the hollow places, converted into pools ; so that it might have been considered difficult to proceed, even by the light of day.

It was fortunate, perhaps, for Affidavy, that he was in no condition to be daunted, either by difficulties or dangers, of which, indeed, it is most probable he remained profoundly unconscious, from the beginning of his ride to the end. He set forth on his dark journey, trolling at the top of his voice some snatches of the jolly chorus, in which he had borne no mean part, and plying his heels about the ribs of his horse in such a way as to drum out a kind of barrel-head accompaniment, as agreeable to himself as it was perhaps advantageous to the animal ;—for this, instead of being Schlachtenschlager's best horse, as he had said, was a drowsy, lazy, pacific, and somewhat worthless beast, which the Squire's man, supposing that any one might serve

the lawyer's turn on such an occasion, had considerably substituted for the better one which his master really designed to provide. On this animal, then, Affidavy departed, bidding defiance to storm and peril, and singing as he went. Sometimes, however, he launched into harangues, as if declaiming before a court and jury, especially when, as was sometimes the case, the beast he bestrode took advantage of his abstraction, to pause before some gully or pool of water, and even, now and then, to stand stock-still in the middle of the road, where there was no obstruction whatever. Nay, he once or twice, relying upon the indifference of his rider, took the liberty of turning his head, and jogging backwards; and how the manœuvre was detected and counteracted by one in Affidavy's happy condition, we are wholly unable to say. But counteracted it was, and by midnight,—that is to say, after a ride of three hours, the attorney found that his steed had borne him the full distance of two and a half miles from his master's house; at which rate of travel, it was quite evident, he might expect to reach the village, perhaps three or four miles further, some time before noon of the following day. At midnight, however, the horse was brought to a stand by an unforeseen difficulty. It was in a hollow place or glen, thickly wooded, that was crossed by the road at right angles; at the bottom of it flowed a water-course, small and shallow on all ordinary occasions, but which the violent rains, assisted by certain accidental obstructions, had now swelled into a broad and formidable pool. The trunks and branches of trees, swept down by the earlier wash of the flood, and lodged among rocks and the standing stems of other trees on the lower side of the road, had made a sort of dam, through which the waters could not escape so rapidly as they

collected; and, in consequence, they had swelled so high, as to be already heard falling over it like a cataract.

When Affidavy arrived at the brink of this flood, his steed came to a sudden halt, of which the rider took no notice for a considerable time, his mind being wrapped up in the remembrance of the joyous potations from which nothing on earth, save the prospect of a good case, could have drawn him, and his ears still tingling with the uproar of the Rheinweinlied. This he trolled over with great fervour, and in the midst of it, plying his heels as usual, the horse, after one or two snorts by way of remonstrance, took heart of grace, and crept into the water.

"Botheration," cried the attorney, as he felt the cold element sweeping over his legs, "will it never have done raining? H—h—hip, Durgan.—Gentlemen of the jury, I appeal, not to your hearts, for I disdain taking advantage of,—of your weakness,—nor to your heads, for—for—who the devil ever supposed a juryman had one?—Botheration, it rains cats and dogs all round, and my legs are growing marvellous cold. That old Schlachtenschlager! he, he! a great old ass, and his Nierensteiner nothing but sour old crab-cider.—A gold watch worth forty pounds,—a purse of guineas—bills of exchange—long credits.—Dispute the jurisdiction of the court—Hillo! what's all that smashing in the court? I insist upon order—Who says I am out of order? Drunk! I despise the thing! Hillo, Schlachtenschlager! what's the matter? Never mind the rain—strike up: let it blow its worst,—strike up, old boy.

' Come, drink, ha, ha!
And, sure, we'll all be merry;
Come, drink, ha, ha! come laugh, ha, ha!'—

Botheration!"—

In the midst of the attorney's song, and just when he had reached the middle of the pool, there happened a catastrophe, which might have frightened any other man out of his propriety. This was nothing less than the sudden giving way of the dam of logs, the disruption of which was followed by the escape of the whole accumulated body of waters, and that with a fury that nothing could resist. In an instant the attorney was swept from his horse, soused head over ears in the flood, and would have been drowned had he not been luckily dashed into the crotch of a low and twisted buttonwood, and there left astride a horizontal bough, by the retreating waters. The whole thing was effected in a trice, indeed with such magical celerity, that he failed to notice the main point of the casualty, which was the loss of his horse; and supposing himself still at ease in the saddle, he plied his heels with their accustomed vigour against the regardless trunk, wondering somewhat at the immobility of his charger, and the rush of the current at his feet.

"Botheration," he cried; "hip, Durgan, get up; dzick! dzick! That's a fine fellow! Will it never be done raining?"

' Come, drink, ha, ha! come laugh, ha, ha!
Oh, ha!'—

Hip, horsey, hip!" And thus he went on, now spurring the timber flanks of his charger, and now trolling forth the drunken chorus, in the midst of the stream, where he would perhaps have remained until morning, or until sleep had caused him to relax his hold, had not his extraordinary outcries reached the ears of a traveller, who rode to his assistance, the water being already reduced to its ordinary level, and finding him incapable of help-

ing himself, pulled him from his seat, and dragged him to the other side of the stream.

"Botheration, what's the matter?" cried the attorney, who seemed to recover his senses a little, upon finding himself on his feet; "where's Dur-gan? Sure, o' my life, I did'nt come here on foot! Odds bodikins! where's Schlachtenschlager?—Hillo, there! botheration, you sir! what are you doing with my horse?"

"*Your* horse!" exclaimed the traveller. "Are you drunk yet?"

"Drunk! I defy the insinuation," cried Affidavy, "and demand protection of the court.—Down, you rogue, or I'll indict you for horse-thieving. A pretty prank to play upon an honest man, riding for life and death! Botheration, Sir Sauce-box, whoever you are, give me my horse, or I shall lose the best case was ever entrusted to a lawyer—a gold watch worth forty pounds—bills of exchange—letters of credit—and a purse of guineas!"

"Now were you not drunk," said the traveller, "and more of a beast than the animal that bore you, I could tell you of a case much more to your interest to be engaged in."

"Hah! a case? what sort of a case? Odds bodikins, I'm your man!"

"You are drunken Tef Affidavy?"

"Drunken! That's actionable. Tef! *Tef* Affidavy! Theophilus Affidavy, Esq.—*Esquire*, do you hear?"

"Ay, it is all one. Theophilus Affidavy, sober, might be the man for my money, with twenty guineas to begin upon; but Theophilus Affidavy, drunk"—

"Twenty guineas!" cried the lawyer: "God bless all our souls! twenty guineas for a retaining fee! Why then I'll be Theophilus Affidavy, sober, or Tef Affidavy, drunk, or any thing else that can be wished of man or angel. Out with your money, and state the case."

"Ay,—when you are sober."

"Sober! Twenty guineas would fetch me to, if I had been swimming in Schlachtenschlager's whiskey-barrel for two weeks on a stretch. Botheration, I'll take another dip in the slough there, and come out as clean as a peeled orange. But are you sure that a'n't my horse?"

"Quite; and if your beast belongs to the Squire, you may make your mind easy that he is now safe in his master's stables. I saw a saddled horse on the road, galloping as if a wild-cat was on the back of him."

"Good!" cried the attorney at law; "if I had drowned him, there would have been the devil to pay with old Schlachtenschlager. Hold fast, till I duck the devil out of me." And without waiting to say another word, he ran into the brook, where he began to splash about him with great spirit, the stranger, all the time, sitting by and observing him in silence.

There is, in all cases of drunkenness, a certain degree of voluntary intoxication, as it may be called, in which the mind yields itself a prisoner, before it is entirely overcome by the strength of the enemy. This is evinced by the rapidity with which many good souls, in jovial company, work themselves into frenzy; but still more by the facility with which they shake it off, when there is any special call for sobriety. In half the instances, even where the conduct is most extravagant, the individual retains a consciousness, more or less perfect, of his absurd acts, is aware that they proceed from a madness partly simulated, and sensible of some power in himself of controlling them, though not easily disposed to the labour of exercising it. We will not pretend to say that Mr. Affidavy, while he sat bestraddling the sycamore, was altogether conscious of his situation; but it is

quite certain, he retained so much power of curing his folly, even in that extremity, that a less counter stimulus than the offer of a twenty-guinea fee would have sufficed to bring him to his senses. He frisked about in the water for a few minutes, dipped his head under two or three times, and came out, not entirely sober indeed, but, as he said himself, 'as fit for business as he ever was.'

"If you doubt, stranger, whoever you are," he said, "I'll sing you a song, or—No, hang it, we've had enough of *that*,—I'll make you a speech to court and jury extempore, and right to the point. But come now, jingle your money, and let's begin: or, if it's all one to you, we'll jog back to Schlachtenschlager's and borrow a dry shirt, and so give counsel like a gentleman."

To this proposal the traveller demurred, and requesting the lawyer to follow him, rode up to the brow of the hill, where he dismounted, and suffered his horse to range at will through the bushes, he himself taking a seat on a stone, and inviting Affidavy to do the same.

"A botheration strange fancy this, of yours, certainly," said the lawyer: "are we to sit here, like two stray ducks, and be soaked for nothing?"

"Look over your head," said the stranger: "there is not a cloud left in the heaven. No, not one," he muttered as if to himself; "and come weal or wo, come death or come life, the sun will shine to-morrow as bright as ever."

"Tush, you're right; the storm has given us the go-by," said the lawyer. "But concerning the case, and that twenty-guinea fee——What's your name?"

"Guineas," said the other, rattling a purse apparently well filled with his namesakes, upon the stone.

"Excellent!" said the lawyer; "but that won't

do for a jury. Come, sir, your cognomination, compellation, and so forth? your *proprium vocamen*, style and title,—Tom, Dick, or Harry, as the case may be? and then for *the case!* *Quisnam homo est? unde et quo?* No man is drunk who can quote Latin, for it is cursed hard stuff to remember. In the king's lingo, who are you? and what's the case in question?"

"Who I am, we will pass," said the traveller, "that having nothing to do with the case. As for the case itself, I am told, it is one of murder."

"The devil it is!" cried Affidavy. "Why here's hanging work thickening in the county! But what are the circumstances? Who's killed? and who is the killer?"

"The first was a young man, named Henry Falconer,—the second another young man, called Hyland Gilbert"—

"Hah! why, that's *my* case, that I've been labouring after all night! and I assure you—But God bless our two souls!" he added suddenly, springing to his feet as if in alarm, "who are *you* sir? An honest man, sir? I hope, an honest man, sir, and no bloody-minded Hawk, sir! for if you are, sir, I give you warning, sir, if you make an attack upon me, sir, that I carry pistols, sir, and, sir"—

"Peace, fool," said the other, with a stern voice. "Sit down, and fear nothing. If you had twenty pistols, what care I for them?—I," he added, with a laugh both jocose and bitter, "that am armed with twenty—guineas?"

"Right, sir; but if you are a tory, sir—I don't mean to insult you, sir,—but as to aiding and abetting a gentleman of the tory party, sir: why, sir, I am a man of principle, sir, and I must have time to reflect."

"Go to the brook and wallow again: you shall

have five minutes to reflect, or rather to sober, for you are not yet in your senses. Why, fool, do you think I will hurt you? or hark! is there a tory bullet in the clink of an English guinea? Come, sit down, and listen. You have nothing to do with tories, save to take their money.—There is one lying in prison in yonder village below, who needs the help of a lawyer. Yourself then, Affidavy, or another."

"Oh, if there be no treason in the matter," said the attorney, "why then—that is, if you will take that cursed tomahawk away, for I dare say you've got one about you, Mr.—that is to say, captain—Zounds, Mr. Oran Gilbert! I know you very well; and I hope you won't murder me, or do me any mischief, if it were even for old times' sake; for we were very good friends in old times."

"Ay," said the refugee; "and for that reason, I have offered you twenty guineas, and employment on a business that may bring you as many—perhaps five times as many more, which any one else will be as happy to accept."

"Botheration, there is no occasion," said Affidavy, creeping timorously back. "I see what it is; I'm not afraid of you, but you have a cursed bad name. I don't agree with you in principles, that is, in politics; but it sha'n't be said, I refused my professional services to an old friend in distress"—

"With twenty guineas in his hand," said the tory.

"Ay; and with as many, or five times as many at the back of them"—

"In case of success."

"Oh, yes, certainly. I understand the case now: your brother, captain"—

"We will drop all titles,—brother, captain, and

every one else," said the tory. "The young man, Hyland Gilbert, is a prisoner."

"Ay; and"—

"Was he hurt?"

"A bruise or so."

"And he shot Henry Falconer?"

"As dead as a herring: I sat on the body myself."

"And he will be tried for that, as for a murder?"

"Ay, faith, and hanged too, unless"—

"Unless *what?*?"

"Unless we can prove him innocent, or establish a legal irresponsibility."

"Or snatch him out of his den, some such bright midnight as this?"

"Tush," said the lawyer, waxing in courage, "I have nothing to do with that. But cheer up. There's a way of managing these cases, and I have thought of it already. But concerning that bill of exchange and letter of credit? They say, the younker has money enough—a rich estate in the Islands?"

"Fear not for your reward," said Oran Gilbert. "Do what's expected of you, and you shall have gold enough to content you."

"Here then is the state of the case," said Affidavy: "if the young man be tried in this county, were it but for killing a farmer's dog, he will die. The name—saving your presence—the name of Gilbert will be hanging matter with any jury. But I'll be short—he bears the king's commission, does he not? the commission of a lieutenant among the royal refugees?"

"And what then?" said Oran.

"Why then, he must dispute the jurisdiction of the civil tribunal, and claim to be considered a prisoner of war. The attack upon the Folly is somewhat of a civil offence, to be sure; but he

was taken, as we may say, in battle ; and, in battle, he killed the man for whose murder he will be certainly arraigned, if proceedings are not quashed in the beginning. As a commissioned officer of the crown, however"—

" And what if he be *not* a commissioned officer," said the refugee, with a low voice.

" Why then," replied Affidavy, " I have to say, gentlemen of the jury——Pshaw ! that is,—hemp seed and a white shirt—you understand me ? But with the commission—we will produce that, and then"—

" You shall have it," said the refugee; but added,—" It will do no good. A court civil or a court martial,—how should a Gilbert look for mercy from either ? What turn would the king's commission serve *me*, if a prisoner ? Look you, Affidavy, there are better ways of ending the matter. An hundred guineas are clinking in the bag these came from : it is but the opening of a jail-door to earn it."

" Ay ! are you there, Truepenny ?—Sir, I'm a lawyer and a gentleman ; and as to aiding and abetting in any jail-breaking—zounds, sir ! for what do you take me ?"

" For a wiser man than you would have your neighbours believe,—for a man *too* wise to boggle long at a choice betwixt a hundred guineas held in comfort at home, and empty pockets, with hands and heels tied together, in a cave of the mountains."

" God bless our two souls," said Affidavy, " what do you mean ?"

" To have your help, or take good care no one else has it," said Oran, laughing. Then, laying his hand upon the lawyer's arm, he added, with the same untimely accompaniment to accents full of sternness, " Look ye, Affidavy, you have heard

too much for your own comfort, unless you are ready to hear all. You are a friend, or—a prisoner."

At these words, the lawyer was filled with dismay, and indeed struck dumb. The terror that beset him, when he first conceived with whom he was confronted on the dark and lonely hill, recurred with double violence; he thought of nothing less than being tomahawked and scalped on the spot, and would have taken to his heels without further ceremony, had his strength availed him to shake off the grasp of his companion.

"Fear naught," said Oran, detaining him on his seat, and speaking decisively: "We were old friends once, as you say, Affidavy: I remember, you robbed Elsie Bell's strawberry-patch, when you were a boy, and I thumped you for it. So, fear nothing.—Why, man, am I a snake, or a beast, that I should hurt such a creature as *you*? Know me better."

"Well, I will," said the attorney, still trembling. "But, botheration, sir, this is a strange way of stating a case to a lawyer! As to opening jail-doors, Mr. Oran Gilbert, why I won't oppose: if you were to bribe Bob Lingo, the jailer, why, I say, I'm mum. But what more can you expect? Botheration, sir, I'm no turnkey! I'll be mum, sir; but as to joining you in any such prank, God bless our two souls, why that would ruin me! And why should you think of such a thing? 'Tis needless, sir,—as needless as dangerous. The king's commission is our pillar of safety: with that in his hand, the prisoner can demand, ay, and force his claim to be admitted, to be treated as a prisoner of war; and then, sir, if the matter comes to a court-martial"—

"When it comes to that," said Oran, "what is

to save him from being tried and condemned as a spy!"

"What?" said the lawyer; "why a very simple thing. We will hire some one to swear he did not receive the commission until after his flight from Hawk-Hollow: and as for the change of name, intentions, and all that, why we shall have time to coin any lies that may serve our purpose. As to treason, we escape all arraignment there, his domicile being clearly within a foreign jurisdiction."

"In a word," said Oran Gilbert, "and to end your scheme at once, he is *not* a commissioned officer. Fool that he was," continued the brother, bitterly, "he refused, and to the last, the warrant that would have been his best friend."

"Whew!" said Affidavy, "this alters the case with a vengeance. Refused the commission?"

"Ay; and it is now in my own hands."

"Oho, is it? Why then, all's one. We'll clap it into his hands,—fill up the blanks, if it needs, produce it in court, and who is the wiser?"

"You can, at least, try him with it," said the refugee; "but I know what it will end in. You will see him refuse it, even in prison."

"Why then," said Affidavy,—"Hum, ha—we won't be particular. Jail-doors *will* open sometimes; and in case of an hundred guineas down on the nail—(a dangerous business, captain!)—and something more in prospect—(you understand, captain?)—Reputation, captain, reputation! 'T may bring me by the heels, captain.—Another hundred therefore, (say, to be paid at New York; for I don't care if I turn tory along with you, provided I am not set to fighting;) an hundred on the nail, and another at York city, and I don't care if I close with you. And then, we must have fifty or so for Bob Lingo; (no managing such an af-

fair without money.) A deused dull county this, and business all worn out. So, captain, an hundred on the nail, and"—

"It is enough," said the refugee; "you talk now like a man of sense; and here are the twenty for earnest. Let us proceed; I have more to tell you."

Then rising, and whistling to his horse, which obeyed the summons, and followed him with great docility, he led the way with Affidavy along the road, exchanging counsels with this precious limb of the law, on the subject that had drawn him so near to the head quarters of his foes.

CHAPTER XIV.

What foolish boldness brought thee to their mercies,
Whom thou, in terms so bloody, and so dear,
Hast made thine enemies?—
Therefore, by law thou art condemn'd to die.

SHAKSPEARE.

ON the following morning, Affidavy presented himself at the prison, and demanded access to his client.

“Client!” said the jailer, with a stare. “Why now, Affidavy, man, (begging your pardon for being familiar,) there’s none of your birds roosting in my hen-house.”

“A smaller on that, Lingo,—come, what will you lay?” said the man of law, seizing upon the official’s hand, and shaking it with great apparent friendship. “Come, stir about, Lingo; clink, clink, stir bolt, clash key, and open. It’s long since we’ve had a crack together; but we’ll have a jolly rouse yet. Ah! that knotty old Schlachtenschlager! my head is in a reel yet; must have something to steady my nerves.”

“Well, squire,” said Lingo, a coarse-featured, shag-headed personage, with a fist like the butt of an oak-tree, and altogether a low and mean look which might have been supposed to sink him below the notice of the attorney, had not Affidavy’s habits made him long since a fitting associate for even a meaner man; “Well, squire,” he said, with an air as if even he regarded his visiter with some little contempt, “I don’t care if I treat you to a

drop; though my whiskey's none of the smoothest, neither."

"Curse your whiskey!" said the man of law, pulling a guinea from his pocket. "Do you see this yellow boy, my lad of knuckles? Botheration upon you, I came here to spend the day with you, and I intend to treat you royally. So, call your boy, Hanschen, and let him fetch me a quart of cognac from old Brauntweinpunsch's, for he keeps the best in all Hillborough. And do you take care of the change for me, and help yourself, if you like, while I am holding counsel with the prisoner."

"Icod," said Lingo, balancing the coin in his hand, "I never stick at a good offer; but I should like to know where this little feller came from. Howsomever, 'tis none of my business; and so Hans shall go. But, who's your client, squire? I'm glad you've got a job, for you're a devil of a feller at a speech,—I always said that for you. Which prisoner do you wish to see?"

"Why, the young Hawk of the Hollow, to be sure."

"Odds bobs, squire," said Lingo, "scratching his head, "you're too late for that cock-robin, I'm thinking."

"Too late! He ha'n't broke jail already!" cried the alarmed attorney.

"Broke jail *already!*" echoed Lingo, with a grin. "I dunna what you mean by that; but if he breaks jail at any time, while I'm king of the ring, you may call me Jack Robinson. No, the matter's not so bad as that: but he sent yesterday for young Pepperel"—

"God bless our two souls!" ejaculated the lawyer.

"And they say," continued Lingo, "he is to

have old Timberkin likewise; for, it seems, the younker has money."

"What! old Long-tongue Timberkin? Zounds, we'll have the whole crow's-nest at the picking! Oons, man, let me in to him."

"Well, I dunna," muttered Lingo, leading the way, however, to the prisoner's cell; "I reckon, 'twere as well to save his money for something else; for it's a clear case with him, eh, squire?" And as he spoke, he made a gesture with his finger around his throat, the meaning of which was not to be mistaken. "Howsomever, here you are. When you're done with him, just knock at the door, and I'll let you out."

The next moment, Affidavy found himself alone with the prisoner. He sat, apparently half stupefied, on a low bed, beneath a grated window, from which a silvery light fell upon the crown of his head, his shoulders, his knees, and his hands that were clasped upon them, while his visage, and nearly all his person, were lost in dusky shadow. A little table with food and water was at his side, but both were left apparently untouched. His limbs were unfettered; and this circumstance Affidavy might have referred to the humanity of the jailer, had he not perceived at a glance how unnecessary was such a precaution with one whose bodily powers were as much enfeebled as those of his spirit. Indeed, there was a look of such utter wretchedness about the unfortunate youth as might have softened a harder heart than the jailer's; and even Affidavy began to survey him with a touch of pity. He raised his eyes, when the door was opened, but cast them again on the floor; for indeed there was so little in Affidavy's appearance to excite attention, that he supposed him to be some assistant of the jailer, or perhaps a common officer, come on some errand of duty, with which

he would be soon made acquainted. This suspicion was dispelled by the attorney; who no sooner heard the bolt shoot back into the stone door-post, than he advanced, declaring his name and character.

"Affidavy?" muttered the youth, with a dejected voice: "I thought it was Mr. Timberkin, that Mr. Pepperel was to bring me."

"Pshaw, botheration," said the lawyer, "you were a goose to send for such ninnies; we can do better without them. And what can these fellows do for you? Where will you find them riding about of a stormy night, picking up evidence, laying plans, and so on? However, we can find them something to do: I'll sort them; I know what they are fitted for. You stare at me—Very well; I understand what you mean. I come from your friends, sir, and"—

"From my friends?" cried Hyland, starting up, wildly: "from whom? I have no friends here—none, at least, but *one*; and, oh God of heaven! they tell me I have killed her too!"

"Oh, you mean old Elsie," said the attorney: "hang her, (that is, poor old soul!) she's not dead yet."

"But Catherine?—Miss Loring?—Captain Loring's daughter?" cried the youth, with a voice and countenance of despair; "what news of her?"

"Aha! I understand," muttered Affidavy. "But don't be alarmed; there's no death there.—A little fright and grief, sir,—that's all; they never kill one." Hyland clasped his hands, and buried his face between them; and the lawyer continued,—

"Quite a small matter, I assure you, and will blow by, when we get you safely off."

"Get me off!" cried Hyland, again starting to his feet, in the greatest agitation. "Is there any

hope of that? No, there is none!" he exclaimed, vehemently: "I am a blood-stained man, I have taken life, I am a murderer"—

"Tush and botheration, hush!" said Affidavy, clapping his hand over the prisoner's mouth; "why need you be blabbing? That was confession enough to end the matter, without plea or witness: 'tis just a charge to the jury, a verdict in the box, and then a long face and the hangman."

"Misery! misery!" cried the unhappy youth: "and to this I have brought myself! the death, the ignominy, of a felon! I know it, I see it very clearly," he added with indescribable emotion, "I see how it must end—good God, upon the gallows! But it shall not be; I will die first—thank heaven, I am dying already! Put but the trial off—they say the court opens this day!—put it off but a week; you shall have an hundred guineas, five hundred, a thousand, all that I have!—only put off the trial a week, that I may die before they drag me into the light again! I deserve to die, I am willing to die, but not, oh heaven! not upon a gibbet!"

"Zounds!" cried Affidavy, who strove in vain to interrupt this burst of frenzied feelings, "you are taking the best way to reach a gibbet, notwithstanding. You are mad, I believe; botheration, sir, if you talk this way, there will be no saving you"—

"Saving me! Can I be saved? that is, not from death, but from ignominious death? Hark you, sir,—they have taken away my money, but I have enough more. Get me a knife, a pistol, a rope, a dose of poison"—

"Tush; if you do not cease this mad raving, and let me speak, I will be gone; you are making the case desperate. Be silent, and listen. Your case is bad, sir, very bad, I must confess, sir. But

you have friends, sir; and you may hope; yes, you may hope—if you are wise, sir, you may hope.—You have—Now don't start, or cry out, or I'll leave you—Ehem, sir, I must whisper—you have relations,—a brother, sir”—

“Oran!” cried the prisoner, who would have again started up, had he not been held in his seat by Affidavy: “oh, heaven be thanked! he has not deserted me! Have you seen him? where is he? what can he do for me? will he rescue me?”

“Tush, you must be quiet. If you will speak, let it be in a whisper. As for the trial, why we will stop that if we can. A British officer, with a king's commission in his hand, taken in arms, cannot be shuffled into a cart by a civil tribunal, for following his vocation, and slitting a throat or two. Now, Mr. Lieutenant Gilbert, you understand me? You have a commission.”

“No, by heaven! I refused it: I am no officer, and this will not avail me. I am no officer, I was none; nor was I so much even as a volunteer. I refused the commission up to the last moment, and this is the end of it: I would not be the enemy of what was my native country,—of my countrymen; and now they are all enemies of mine! I was not a member of the band; I never acted with it,—never save that fatal once, and then I went not to make war,—no, not even upon the poor wretch I killed—Would to God the pistol had been turned against my own breast!”

“Tush,” said Affidavy, interrupting what bade fair to end in another violent paroxysm, “that's wide of the question. The band looked upon you as officer; and unless that fellow, Sterling”—

“The villain! it is he has ruined me!”

“Unless he can swear to the contrary, which he can't, (and, botheration, there's a way of stopping his mouth altogether;) who will be the wiser?

Now if we could get Dancy Parkins admitted, along with Sterling, as evidence for the commonwealth—However, we can't; and we'll say no more about it: the prosecuting attorney swears he'll hang him. His mouth is, at all events, sealed. We are safe enough. Here is the commission: Now, sir, you will put a bold face on the matter, insist upon your privilege, and"—

"Perjure myself with a lie? avow myself the enemy of my native land? and so die worse and more degraded than I am? Never! Duplicity has made me what I am; a deception that I thought innocent and harmless, has brought me to this pass. Had I come without concealment, then I had left without disgrace, without crime. Oh fool, fool that I was! Talk of this no more: it was on this ground Mr. Pepperel thought of defending me; but on this ground I will not be defended."

"Oho! and young ninny has been before me there, too?" muttered the lawyer. "Well, botheration," he continued, falling into a deep study, in which he held counsel only with himself,—"there is but the one shift in which the rascals won't join me,—but one path in which I can walk this goose-head off alone. Well now, all depends upon Lingo: the rogue has a head as thick as a mountain, and a considerable deal harder. 'Twere a shame to waste gold upon such a clod-headed pig. Give him fifty guineas! God bless our two souls! it were a mere casting of pearls before swine, and, in some sort, a robbing of my own pockets. A shilling's worth of laudanum were a better fee, besides being cheaper. But we'll see."

Having concluded his meditations, he turned to the prisoner, who sat surveying him with an

anxious countenance, as if expecting some better comfort from his thoughts, and then said,—

“ Well, botheration, we’ll have to think of another thing. It is well you are not fettered.”—

The young man writhed as if struck with a lash; but before he could speak, Affidavy continued, though with an emphatic gesture for silence,— “ For that saves us all the vexation and danger of sawing. You see this little instrument ?” he said, displaying a file. “ Now, be quiet on your life, sir. You will understand from this, that there is something in the wind boding you good. You are sick and wasted—you were hurt in the scuffle, too ; but put you beyond these stone walls, with a saddled horse under you, could you ride him ?—Why, botheration, what makes you tremble so ?”

“ Oh heaven !” cried Hyland, “ do not mock me ! Nay, I will whisper. Give me the file : I will cut the grating through.”

“ It does not need,” said Affidavy, “ and I have no notion of running any risk by leaving it in your hands. But you must understand, sir, (hold your ear close,) that this is a very ugly piece of business, especially for *me* : if discovered, sir, I am a ruined man ; the penalty, sir, is the very next thing to hanging ; ay, sir, and in my estimation, somewhat worse ; but that’s according as we think of it. Now, sir”—

“ I understand you,” muttered Hyland. “ You shall name your own reward—half of my estate, if you will ; nay, all—all, so you get me but to the woods, where I can die in peace, and undishonoured !”

“ Tush, we’ll not think of death : you’ll live and be happy. Then as for reward, why, sir, I would not have you think me extortionate, or capable of

taking advantage of your distress. No, sir, by no means; I am a lawyer, sir, but an honest man."

"For God's sake, take what you will. Say nothing more; you shall have your wish."

"Oh, sir," said Affidavy, "there is no hurry. As for taking all your estate, or even half of it, sir,—sir, do not believe I will think of that! No, sir; I am neither a buzzard nor a niggur's dog. But I must be indemnified for losses: I ruin myself, sir,—I must sacrifice an excellent practice, sir,—my reputation, sir, and my prospects. In a word, sir, I must e'en take to my heels along with you; for after such a prank as a jail-breaking, the county will be too hot to hold me. Sir, I remember your father: he was a wronged man, sir; and my feelings will not suffer me to see his youngest son too severely handled. I once knew your brothers, sir, and I always thought they were badly treated. Sir, I feel much grieved to see poor old Mr. Gilbert's son brought to such a pass. Sir, my regard for your deceased parent makes me do what I do; and, (not to whip the devil round the stump any longer, sir,) I must confess, sir, that what I do is a very scoundrelly piece of business, sir; which if any body had proposed to me in behalf of any other person in the world, I should certainly, sir, have knocked the proposer over the mazzard,—I would, sir, botheration."

"What needs more words?" said Hyland, too much agitated to think of weighing the motives of his new ally in the balance of conscience or interest. "Make your demand, and have it."

"Ah! sir," said Affidavy, with a snuffle through the nose, "it is a sorrowful thing to be driven from home and friends, to wander an exile over the earth! There's my poor Mrs. Affidavy,—the thing will break her heart. However," he added, for

the prisoner began to wax frantic with impatience, “I don’t believe in breaking hearts, after all,—especially Mrs. Affidavy’s. Sir, you are a rich man, and a young man, and a man without family or cares. I will not sell my humanity, sir; no, botheration, I’m above that; but I will accept of your superfluity what will indemnify me for the losses I endure in your service. Your case is very bad, sir; and indeed, if you were even a commissioned officer, it could not be much better. The indictment is already framed, and will this day, or at furthest to-morrow, be returned a true bill by the grand jury. You are a rich man, sir—had I pleaded your cause and saved your life, I should have expected a fee of five hundred guineas, (a small sum for a rich man’s life;) and there’s old Long-tongue and Pepperel would have demanded as much more, each. But, sir, I’ll save you five hundred guineas; and leave these fellows to whistle. We’ll say a thousand guineas, then, and”——

“All, I tell you, all, all!” cried the unhappy prisoner. “Take any thing, take every thing”——

“God forbid!” cried Affidavy, devoutly; “I will not prey upon you. If you, from your own generosity, should think of adding five hundred more to the fifteen hundred, why sir, I should thankfully receive them. But I leave that to yourself, sir. At present, sir, I shall be content with what I have named; and will take your note of hand for the amount. You see, sir,” he added, drawing from a huge and well thumbed pocket-wallet, a slip of paper, which with an ink-horn, he immediately deposited on the table, “I have drawn this entirely in your favour, payment not to be demanded unless upon the successful completion of a certain service not mentioned, and then in such way as will suit your convenience.

If I fail, sir, I am ruined, sir, and yet receive nothing. Allow me to fill the blanks, sir, and then, sir, you can sign. I will fill them first, sir, in order that you may see I take no advantage of you, sir. Two thousand guineas, sir, is a small sum, a very small sum, when one thinks of a gallows.—Sir, be not alarmed—your hand trembles, sir; but I trust to your honour to recognise the signature—yes, sir, I prefer your honour to twenty witnesses, sir. You shall escape, sir; or damn it, sir,” added the harpy, in the enthusiasm of gratitude, “I will hang along with you!”

It was fortunate the worthy Affidavy had some bowels of compassion; for had he filled up the blanks of his villainous contract with an amount comprehending the whole worldly wealth of the poor prisoner, it would have been subscribed with equal alacrity. What was gold in the balance with life? what price could be held dear that procured a remission from ignominy? Hyland clutched at the pen as at the bolt of his prison-door; and, in the same frenzy, subscribed, in addition, an order committing his good roan horse to the disposition of his counsel, which Affidavy declared to be necessary, Hyland neither asked or sought to know how, to the success of the enterprise. This accomplished, and the papers safely deposited away in the wallet, the attorney wrung his client by the hand, and that somewhat wildly, giving him to understand that he was to hold himself in readiness that very night to escape, and recommending him to sleep a little during the day, the better to support the toil of flight. He charged him, twenty times over, to be silent and wary, to look as wo-begone and despairing as possible, and above all things to hold no conversation that could be avoided, with his other counsel. Then wringing

his hand again, with the most convulsive sympathy, he knocked at the cell-door, was let out, and would have run into the open air without uttering a word, so big was his mind with the conception of his vast fee, had he not been arrested by the astonished jailer.

"Ods bobs!" said Lingo, "have you forgot the brandy, squire?"

"Botheration!" cried Affidavy, with a wild stare.

"Ods bobs!" re-echoed Lingo, "is the man mad? Why, Affidavy, what ails you? You look as white and wild as the prisoner!"

"Oh! ah! ay! the prisoner? yes, the prisoner," said the attorney, rubbing his nose and chin with great zeal, and recovering his wits. "Oh, ay, I remember: the prisoner, poor fellow! Ah, Lingo, Lingo! 'tis a hard case, a sorrowful case, a heart-aching case. I declare, Lingo, I could sit down and blubber; I could, botheration, I could!" and here the sympathetic counsel, to Lingo's amazement, burst into a loud uproarious laugh, such as he had never been known to give vent to before.

"The devil's in the man, sure enough," said Lingo. "But I see, I see," he muttered, surveying Affidavy sagaciously, "he has been blowing it a little too hard, and now he's getting a touch of the *Horrors*. Well, well, brandy's the best cure for that; and he shall have a snap at his own medicine."

So saying, the jailer poured out a glass of cognac, the rich odour of which had no sooner reached Affidavy's nostrils than his spirits became composed, he stretched forth his hand, and the smacking of his lips proclaimed the fervour of his satisfaction.

"Old Brauntweinpunsch for ever!" he cried.

"Ah, Lingo, you dog! you know what's what! Ehem, sir, botheration and tush! God bless our two souls, but I'm monstrous sleepy! Out all last night, Lingo, in the rain; was upset in the brook up at old Schlachtenschlager's, and half drowned, and hadn't a wink of sleep. I believe, I was dreaming all the time the poor fellow up there was telling his story. Must go home and nap a little—But no, I can't! Will finish the jug there, Lingo, before the day's out, ehem. Can give us a bed, here, Lingo, man, in case of necessity? What d'ye say? Rather full at Mrs. Affidavy's, and a wash-day, too. Oh, you dog, botheration, we'll have a rouse under lock and key to-night, won't we? Have something to tell you, and must be near the prisoner. But mum, boy, mum's the word! We'll have a rouse to the health of my client."

With that, the attorney made another long face, fell into a second roar of merriment, and went flying from the prison.

CHAPTER XV.

If this should fail,
And that our drift look through our bad performance,
'Twere better not essay'd: therefore this project
Should have a back, or second, that might hold,
If this should blast in proof.

HAMLET.

It was night before Affidavy returned again to the prison; a circumstance that might be supposed to puzzle the brain of the jailer not a little, whenever he happened to cast his eyes upon the bottle provided at the lawyer's own expense, and considered the notorious degree of attraction existing between the material spirits of the one, and the immaterial spirit of the other. Before he had yet determined whether the phenomenon should be attributed to the disorder of mind he was first disposed to suspect on the part of Affidavy, or to some uncommon display of his zeal on the prisoner's behalf, Affidavy made his appearance, and notwithstanding the lateness of the hour, was immediately admitted,—not so much, however, as a man of law visiting his client, as an old friend and crony, whom Lingo introduced for his own private satisfaction. The attorney, nevertheless, after squeezing the jailer's hand, and giving way to a grin of extraordinary friendship, averred he must see his client, before indulging a moment in pleasure; and assuring Lingo, with uncommon spirit

and generosity, that he designed treating him like a prince, bade him, out of the funds he had placed in his hands, lay in a store of all drinkables he could devise, with pipes and tobacco, and so forth, so that they might have a jolly time of it together. Then, after remaining half an hour with the prisoner, he returned to the jailer's private quarters, snapped his fingers, as if exulting at being delivered from toil and restraint, swore he was the busiest dog that ever slaved at a case, but would take his comfort and his ease, without troubling himself farther for the night, were all the gallows-dogs in the world calling on him for assistance. "Drink, Lingo, you rogue," said he; "give me a pipe, and snuff the candle; for I abhor taking the first whiff out of a greasy old cotton-wick. Drink, you big-fisted, honest old sly-boots; and I'll tell you all about the case."

"Well, squire, I'm for you," said Lingo, swallowing a draught that showed him to be serious; "but I reckon I know all about the case; and it's a clear hanging matter, as you must own."

"If I do, botheration on me!" said the lawyer. "There's two sides to every case; and all killing a'n't murder, nor manslaughter neither, for the matter of that."

"Well, it's well to keep a good heart—I always said you had good pluck, Affidavy, especially in desperate cases: but there was old Timberkin here this afternoon, who went off with a long face; and there was Pepperel, who as much as confessed there was no hope for the young one. And why should there be? For my part, I don't reckon it any great matter to have plumped a bullet into one of the Falconer kidney; but when it comes to a bloody refugee playing such outdacious tricks, why there, Affidavy, I stick; it's clear ag'in all

principle; and there's ne'er a man of any jury you can pack in the county, but will say—*Hang!*"

"Tush, drink—here's to you. You've been gabbling with Pepperel and Timberkin—num-skulls, Lingo—between you and me, numskulls. What do they know about the case? what have they been doing to study it? Here have they been all day laying their fool's pates together over it, like two owls at mid-day over a dead bull-frog, not knowing what to make of it. Drink, you rascal. Now had you but been at old Schlachtenschlager's last night! Ah!—However, that's neither here nor there. Now, I, my boy, botheration, I study my cases in another manner, and I have been studying this hard all day. But how? Ay, there's the question, tush. Riding about, hunting witnesses from post to pillar, serving *subpænas*, and all that, and smelling out the intents of the prosecution."

"What witnesses do you want?" said Lingo: "it's a clear case, and the younker owns to it. I'm to swear myself, that he admitted the murder: he made no denial"—

"He's an ass," said Affidavy; "a fool and a mad-man, who would knock his head against a post, sooner than go round it, were his skull no thicker even than a pumpkin-shell."

"Oh, ay!" said Lingo, nodding over his glass, "I see what you're at: you'll make it out a *non cumpuss* case? But that won't do, squire; I swear ag'in' you there: there's no mad in him; there's more in some of the witnesses. But I suppose you have been raking up for witnesses about old Elsie Bell's? The lad begged I would send for her; but, they say, she is in a dying way?"

"Bad enough, bad enough," said the lawyer: "and a good witness, too; but we can do without her."

"Well, I reckon you'll want all you have," said the jailer; "for they're strong for the commonwealth. There's Dancy Parkins, they've taken him for state's evidence, along with this here gallivanting fellow, Sterling, that came in for quarter, and a power of others beside. I dunna why they're so easy on Dancy; but they say, he's not deep in for't; and the prosecution's ag'in' hanging him. They say, Colonel Falconer has sworn he will have the youngster's blood, if it costs him the price of Hawk-Hollow twice over."

"Tush, what care we? The devil take Falconer, and the witnesses too,—as undoubtedly the devil will. As for your Sterling, I can smash his testimony as I would a rotten apple. Botheration, the man has a neck of his own."

"Oh, ay, in the matter of the spying?" said Lingo: "but they say, they will wink and let him off, if Colonel Falconer be so minded; and they say, too, he was promised protection by the soldiers, and a clear pardon, on condition he fetched 'em into all Oran Gilbert's hiding-places. I don't see, for my part, how a soldier can promise any such thing, seeing that a soldier is neither a judge nor a governor. And moresomover, there's the matter of the attempt to do murder on Colonel Falconer; for, I reckon, that can be proved on him; and how he is to get clear of that, if the Colonel pushes him, I don't know. Howsomever, his case is bad—the man has a bad conscience; though, perhaps, 'tis only a small touch of the horrors,—for he has been drinking hard ever since he has been in prison."

"Oh, the devil take him, base turncoat and betrayer," said Affidavy: "I hold honour among thieves to be as good a rule as honesty between friends. And between you and me, Lingo, he has

served the Hawks a turn they will not forget. You know how they hanged that soldier, Parker? Well now, two pigs to a pound of butter, as the saying is, you'll hear of this fellow swinging in a swamp, some time before doomsday."

"Ay; when they get him," said Lingo, "and with all my heart. But, you see, there's no talk of proceeding against him; and when the trial's over, I reckon he'll show the county a clean pair of heels—that is, if he ever gets over his hurts; for, you must know, there's something of the staggers about him,—a sort of horrors, as I said,—but I don't know; and if you stay here long enough, you'll hear him squeal out in his sleep, like a choking dog. Ods bobs! he made a squeak last night, and I thought the devil had him: so I runs into his room, and there I sees him sitting on his bed-side, all of a shiver, and as white as a sheet, singing out, as if he was talking to old Nicodemus,

‘Shake not your jolly locks at me,’

or something of that natur', I dunna what, but it was about locks and bolts, and the lord knows what; but I fetched him a box on the ear; and that brought him to, and he fell to groaning. And now, Affidavy, here's to you; and I don't care if I do you a bit of a service, though I don't see what good can come of it. If it will do your cause any service, to knock this here testimony on the head, why a hint's as good as a long sermon, as the saying is. Just 'validate' him on the p'int of his upper story, and call me and Hanschen to swear to his doings and sayings; for I reckon, he's a clearer *non cumpuss* case than the prisoner. Howsoever, that can't do no good; for I'm clear in for swear-

ing to the youngster's admitting he killed the deceased, which is quite a settler of the whole hash."

"Tush," said Affidavy, "let him swear, and swear his best. There is testimony enough to do the business, if we trust to that. The devil take the case; I won't bother my brains with it any further. However, Lingo, my boy, it was a queer thing of yours, that letting the prisoner go clear of gloves and garters. He might break jail,—eh, my boy!"

"As how?" said Lingo. "No, squire, you don't come over me there. I clapped the irons on him at first; but, you see, poor fellow, I saw he was sick, and just as weak and heavy-hearted as a pipped poult, and no more fear of dodging in him than an old horse: so I knocked the clinkers off, and let him have the swing of the room, poor fellow; and there he's safe enough. Moresomover, I never heard tell of his being much of a Hawk, only in blood and name; and I have a sort of pity on him."

"Ah, yes," said Affidavy, with a melancholy stare; "if you were to hear his story, Lingo, it would melt your heart; for you have a soft heart, Lingo, a merciful heart, Lingo; and it will go well with you, Lingo; for there's something said in the Bible about the merciful."

"Well," said Lingo, "I don't set up for much of that, nor for much religion neither; but I never beats a prisoner, except when he's contrary; and this here youngster seems much of a gentleman; and I have a notion, if he's well treated, he may leave me something; for he has a gold watch, (howsomever, the Sheriff's got it;) and, they say, he's well-to-do in the world.—But, squire, drink on; it's getting late."

"Let it," said Affidavy; "here am I fixed for the

night; for how do I know but that you may be in trouble before morning, and may want a friend to help you?"

"Trouble! and help!" said Lingo, looking up with surprise. "If you mean that Sterling and his squeaking, why, ods bobs, it only needs a cuff or two to bring him about. Ods bobs, Affidavy," he added, with a grin, "if you stay, I reckon, it's *you* may want a friend to help you. I don't say nothing; but he that's got a speech to make before court and jury to-morrow, should not be too free of the creatur' to-night."

Affidavy, who had not yet betrayed any strong symptoms of being affected by his good cheer, shook his head mysteriously, and then replied,

"There's no telling what might happen, Lingo. These refugees are devils incarnate, as far as daring goes. The whole regiment here is out in chase of them, and all the able-bodied men of the village in company; so that there's nothing left to keep guard over us but old women and young ones. Now, Lingo, we'll suppose a case—how many men, armed with muskets and axes, would it take to sack your stone jug here, smash open a door, and let out the prisoners?"

"Ods bobs!" said Lingo, "I don't know: but I reckon I could hold out, me and Hanschen, until we had assistance. But, howsoever, that's supposing a case that can't happen."

"Don't be too secure," said the attorney, with a solemn voice; "for there's no saying what may happen, when there's such a man as Oran Gilbert in the case. I reckon, an axe and a few crowbars, with an auger or two, might soon make way through the yard-gate; and then, the back-door would be but a mere joke; and then, Lingo, why

surrender, or hard axe and soft head would be the end of it."

"Ods bobs!" said Lingo, "what puts such a notion as that into your head? There's ne'er a tory, now, within forty miles of us!"

"Ah, Lingo! This is a wicked world, with a good many crooked ways in it; and there's a deal of 'em lead to the jail-door. My own notion is, that Oran Gilbert is lying where no one would think of disturbing him. Now, Lingo, you and I are friends. You're an honest fellow, Lingo, but, botheration, you're mortal. And so, Lingo, I shouldn't trust you too far, if Oran Gilbert came to the wall-gate, about the time of cricket-cry, chucked you over a purse with a matter of ten guineas or so in it, while you stood peeping at the key-hole."

"Oho!" said Lingo, staring at the attorney with that sort of perplexity which a stupid man betrays when endeavouring to fathom the point of a jest, which he is sensible ought to be laughed at; "Oho, squire, I see what you are after,—he, he, he!" he said, beginning to giggle, and lifting a glass as he laughed. "I'm a mortal man, sure enough, and might take a fee, as well as e'er a lawyer in the land. But ten guineas is a small sum, Affidavy; and as for opening a jail-door for such a small matter, why, Affidavy, that's only—he, he, he! And so you've been retained by the tories? he, he, he! Well, I was wondering where the yellow boy came from,—he, he, he!"

"Tush! retained by the tories? *I!*" said the man of law, somewhat disconcerted.

"Oh, squire, a joke for a joke's all fair; tit for tat, you know,—

‘ Tit for tat,
Butter for fat,
Kick my dog, and I'll kill your cat,’

as the saying is;” and the worthy Lingo again burst into a peal of mirth, which allayed the sudden alarm of his companion. Affidavy looked him in the face, and became satisfied from the air of stupid glee which invested the jailer's features, that the liquor was suddenly beginning to fill his noodle; and in this conceit he was confirmed by Lingo adding, after another preliminary giggle,

“ Well now, Affidavy, I'm an honest feller,—as you say, but I scorn being a fool. I know what's what; and I wish somebody would chuck me ten guineas over the wall-gate; I wouldn't ask him whether he was a tory or true American; for, you see, a guinea's a guinea, and clean stuff, no matter what pocket it comes from. But then, squire, as to opening the gate for such a small matter, he, he, he! why, I'm too honest for that. I'm a poor man, but, as I said, he, he, he! I scorn being a fool; and so, he, he, he! as you and me is friends, Affidavy, why, if the man was to chuck about fifty more to the back of 'em, why, he, he, he! I don't know what might become of my prisoners.”

“ Fifty guineas!” cried Affidavy, grinning in return, but with a sort of scorn; “ that's putting your honesty at a higher price than your soul, for which, botheration, I would not give half the money.”

“ He, he!” said Lingo, slapping his boon companion on the knee, and nodding and winking in a manner meant to be exceedingly significant; “ but come now, what'll they give? for I'll stand to reason.”

“ Give! *who* give?” said Affidavy, affecting surprise. “ Oh! the tories, you mean. Tush, how do

I know? Perhaps you might get twelve or thirteen guineas out of them; and that's a good round sum."

"He, he, he!" said Lingo; "but what do you get yourself?"

"I!" said Affidavy, again alarmed. His trepidation was however driven to flight by another fit of laughter, in which Lingo's honest countenance indicated the most expressive innocence of all suspicion.

"Ods bobs!" said he, "I wouldn't sell a prisoner under fifty pounds; and if they'd talk to me about that, he, he, he!"—and here he could scarce proceed for laughing: "No, no; if you'll strike a bargain for me for fifty pounds, in hard money, why then, he, he! they may take my prisoners, and hang them, if they will. But it's all one; there's no such luck for poor Bob Lingo: honesty won't fetch any thing worth having now-a-days. Fifty guineas! a small sum: why one could get more for letting a tory *in jail*. But, he, he, he! it's all one to Bob Lingo. I'm 'mazing sleepy, squire! But I know what'll keep me awake, he, he! I've got a barrel of wonderful fine cherry bounce; and, he, he! I'll go fetch a pitcher of it, and we'll make a night of it, I warrant me."

With these words, he left the apartment.

"Bravissimo!" said the attorney, as soon as he had departed; "I'll cheat the unconscionable rascal out of every penny. He's as drunk as a pig already."

He stole to the door, peeped out, and then, satisfied that Lingo was beyond observation, proceeded to pour into a glass, from a little vial he drew from his pocket, a goodly dose of laudanum, to which he forthwith added sugar and brandy, muttering to himself all the while, "Here's a dose for

the dog will make him sleep like a wood-chuck at Christmas; but 'twont hurt him. Botheration, I'm sleepy myself, the lord knows: but two thousand guineas! Two thousand devils! I'm a made man, even if the young ass repents his bargain and makes me 'bate one half!—Give *him* fifty guineas! pearls before swine! He'll sleep like a top; and as for Hanschen, why he's fast already—Devils! what's that?—Oh, the drunken fool has tumbled over a chair, and smashed the pitcher!—Could hear the clink and clatter together. Am somewhat drunk myself; but a little does me good."

Having completed the soporific potion so kindly designed for Lingo, and not without producing some clattering of glasses, for he was far from being sober, he sat down and prepared a second glass as much like the first as possible, except that he took good care not to qualify it from the vial, which he restored to his pocket. He then began to hum, and kick his heels together, wondering what kept the jailer away so long. "The town is already fast asleep," he grumbled, "and my three jolly tories will be whistling at the gate like seven thousand katydids. Poor Mrs. Affidavy! how she will stare and scold in the morning! Odd rabbit her, she has a tongue might suit a judge on the bench; and, botheration, it will be a lucky day for me, when I'm well quit of her."

While he rejoiced over his prospect of deliverance, Lingo re-entered the apartment, bearing a huge pitcher, from which he contrived, at every step, to discharge, so wide and uncertain was his gait, no mean quantity of its purple contents. Indeed, if appearances were to be trusted, he was already so far gone in intoxication, that it needed but one glass more to stretch him on the floor; and

Affidavy hailed his infirmity as the herald of success.

"Ods bobs!" said the jailer, staggering up to the table, and depositing his burthen with so little dexterity that half its contents went splashing over his friend, "here's stuff for you! But a jail's a bad place to keep liquor. Ods bobs, I broke my shin over a fetter-bolt, and, ods bobs, I broke my new blue pitcher; but, ods bobs, who cares for expense?"

"Botheration," said Affidavy, "here I've mixed you a brandy cock-tail, and you've spilled the bounce into it. However, I warrant, it's all the better."

"Ay, I warrant me, old Teff," said Lingo, giving him an affectionate hug round the neck, "and we'll drink it, my boy, like a lord and a true-hearted American. But, ods bobs, my boy, gi' me a chair; for, d'ye see, I sprained my leg, and it's weak under me."

"Oh, ay," said Affidavy, dragging the jailer's chair round to his own end of the table.—"But stop there, you fool, you've got *my* glass!"

"Hic—cup—where's the difference? he, he!" said Lingo, yielding, however, the glass he had taken, and receiving that which Affidavy had so craftily prepared. "Here's to you, old Teff Affidavy!"

"Here's to you!" said the lawyer; and both raised the glasses to their lips. The attorney watched his victim with the eyes of a mouser intent upon her prey. He saw him swallow one mouthful, and then a second, and then—the jailer withdrew the vessel from his lips.

"Botheration!" murmured Affidavy to himself, "does the villain taste it?"

He was soon relieved from his fear. Lingo laid

the glass on the table, and turning to Affidavy, burst into a fit of maudlin weeping, betraying, at the same time, a strong disposition to repeat the fraternal embrace. As Affidavy felt no inclination to balk this friendly intention, he laid down his own glass, and was instantly taken round the neck by the jailer, who exclaimed, in the most pathetic manner in the world,

“Ods bobs; old Teff, I don’t know what will become of me!”

“Why, what’s the matter?” said Affidavy.

“Why, ods bobs,” blubbered the other, “one day, when I was a little boy, I licked my father; and there’s no good can come of it.”

“Tush, you ass,” said the attorney, “you might have trounced your mother too, if you had been so minded. But, botheration on you, let me go, and drink your cock-tail.”

“Well, I will,” said Lingo; “but it’s a murdering piece of business to whip one’s father; and I’ve a notion to give myself up, and let ‘em hang me. But I can’t hang without counsel, and I can’t spare money to pay a fee. Now, old Teff, my boy, you’re my friend, and if you’ll make a speech for me for nothing—I always stuck up for your being the ’cutest lawyer in the county, and I’ll lick any body that says No to it—now if you’ll make me a speech, I reckon I may get off for nothing, with a clear ’quittal.”

“Drink, you fool,” said Affidavy; “I’ll take the case, and charge you nothing.”

“He, he!” said Lingo, snatching up his glass, “we’ll go ‘em, then, slick as a snake in a new skin. Here’s to you, Teff, my old boy! and the devil eat his liver that don’t drink smash down to the bottom! Hic—cup,—here’s to you.”

He swallowed his potion, and the attorney,

without a moment's hesitation, drained his own at a single draught. But scarce had he withdrawn the glass from his lips, before he started up, exclaiming,

"God bless our two souls ! what was in the glass ? Ah, Lingo, you fool, 'twas that cursed bounce you spilled in it ! Vile trash, you dog, vile trash!"

"What ! my bounce?" cried Lingo, indignantly ; "as good bounce as was ever brewed, and, ods bobs, a good deal better. But now, you jolly old Teff, let's sing a song. Don't sit there staring at me, like a starved cat ; but sing, you old rascal ; let's sing 'Vain Britons.' "

"The oddest taste in the world," said Affidavy, in obvious bewilderment : "sure there must have been some mistake!"—And, in effect, there was ; for at the very moment when the jailer was embracing his friend, and beseeching the favour of his counsel, he slid one hand behind him to the table, and there kept it until he had effected a mutual interchange of places between the two glasses ; the consequence of which was, that when the fondling fit was over, and the vessels resumed, he himself got possession of the innocent draught, while Affidavy caught up and swallowed that designed for his companion. Had Lingo been in any condition but that in which he appeared, the attorney would have conceived the trick in a moment ; but a look at the jailer's innocent visage was sufficient to banish all suspicion of foul play ; and in consequence, he could only stare about him in wonder and perplexity, nodding his head up and down in a manner the most ludicrous in the world, while Lingo testified his indifference and patriotism together, by lanching out, in a quavering,

drunken voice, upon a camp-song, said to be then highly popular among the continental soldiers.

'Vain Britons! boast no longer, with insolence and glee,
By land your conquering legions, your matchless strength by
sea;

For lo! at length Americans their sword have girded on,
And sung the loud Huzza! huzza! for war and Washington!'

'Sent forth by North for vengeance, your gallant champions
came;

With *tea*, with *treason*, and with *George*, their lips were all on
flame:

Yet, sacrilegious though it seem, we rebels still live on,
And laugh to scorn your empty threats, and so does Washington.'

'Still deaf to mild entreaties, still blind to England's good,
Your knaves, for thirty pieces, betrayed your country's blood:
Like Æsop's cur, you'll only gain a shadow for a bone,
Yet find us dangerous shades, indeed, inspired by Washington.'

The third stanza of this patriotic roundelay (there are a dozen stanzas altogether,) was sung by Lingo with especial emphasis, particularly the second and third line, and might have conveyed to the attorney some inkling of the true state of the question between them, had not his senses been already overpowered. The strength of the draught, aided not a little by the vigilance of the succeeding night, was too much for Affidavy's brain; and before the stanza was concluded, he slipped from his chair to the floor, and there lay like a log.

The jailer concluded the song; then springing up, he burst into a hearty laugh, exclaiming, "Ods bobs, I've outlawered the lawyer! and there he is, as fast as a poker. Now, you old fool," he added, without a vestige of intoxication remaining, (and indeed his drunkenness had been all assumed) "if there was too much stuff in the mixing, why e'en

take the consequence, for it was all of your own brewing."

Then stooping down, he examined Affidavy's pockets. The first thing he laid hands on, was the vial of laudanum, which he smelt at with great glee; he then filched out a leathern purse, containing, according to his own verbal inventory, "sixteen guineas in gold, two Spanish dollars, a French crown-piece, and an English shilling—Oho old Teff!" The next thing discovered was the pocket-wallet, from which he drew to light the note of hand which the cormorant had caused the prisoner to sign in the morning. All these different items he deposited under lock and key, in a closet, from which he also drew a pair of horse-pistols, and an old horseman's sword, all of which he proceeded to buckle round his body.

While thus engaged, some one softly approached, tapped at the door, and being bidden to enter, disclosed the features of his assistant Hanschen.

"Done him up!" said Lingo, pointing to the prostrate figure; and then demanded, "All ready?"

"Yaw."

"How many?"

"Fy, dtare's Sturmhausen, Schnapps, and tree oders, mit guns and pistols."

"Ods bobs, then, we'll nab 'em; for they can't muster half so many. Have you chained the prisoner?"

"Yaw; and he turned pale, and fainted afay. Then I put polts on Tancy Parkins; and now I fill go fix the t'oder, Shterling."

"Never mind him; he's safe. Now, Hans, you must fight like a bull-dog, if there's any fighting at all. But not a word about the lawyer here. Here's a pistol: take a swig at the bounce, and we'll carry

it down to the boys, to warm their hearts a little. If we catch that Oran, ods bobs, I don't know what the reward is, but it will be the making of us."

"Yaw," said Hans; and picking up the pitcher, he followed the jailer into the yard. Here they found five stout men, with whom the jailer conversed in whispers, and then, after all had drunk of the pitcher, he led them towards the gate, saying, as he bade them lie down on either side of it,— "Now mind ye, men; I hold to the lock, and here's my cue: If any enters, why I claps the gate to behind them, and then outs with the key; and then you're to jump up and on em, taking 'em alive, if you can. But mind ye, you're not to stir, till you hear me give the signal to fall on; and the signal is, *You're welcome, gentlemen.* Don't forget it. Now, 'taint sure they'll come; but if they do, ods bobs, we've got 'em!"

Having thus received their instructions, the whole party squatted down on the ground, and awaited the issue of their adventure in silence. The village jail was a small, though strong, building of stone, and the yard, therefore, on the rear, in which the prisoners were sometimes allowed to air themselves, was of no great extent. It was surrounded, however, by a high and strong wall, the gate to which was of heavy double planking, strengthened with bars of iron; and the lock was of weight sufficient to make any prisoner despair of forcing it.

It was perhaps midnight, when these silent guards,—seven in number, including the jailer and his assistant,—took their places. The night was perfectly clear, and so far unfavourable to the assailants, if assailants they really were; of which, it must be confessed, honest Lingo could not affect to be certain, his whole information amounting to

no more than the few ambiguous phrases he had caught from Affidavy. But then this fellow, under a stupid countenance, concealed an astonishing fund of quickness and cunning, of which the attorney little dreamed; and long before Affidavy had opened his lips on the subject, Lingo had seen and noted enough to give edge to the native suspiciousness of his character. The appearance of Affidavy himself, claiming to be one of the prisoner's counsel, instantly set his wits to work; he marvelled who had retained him, since he knew he had not yet seen the prisoner. Then the appearance of the guinea, a rare coin in such hands, and devoted with such magnificent nonchalance to the purpose of doing honour to *him*, was not without its virtue in stirring his conjectures, especially when it came to be added to the invitation Affidavy so coolly gave himself to repeat his visit, and spend the night in the jail. He ascertained without trouble, that the attorney soon after leaving the prisoner, had ridden into the country, where he remained all day, without once seeking a conference with either of the prisoner's original counsellors; and one or two other little circumstances he discovered, which prepared him to understand, and make the most of what Affidavy afterwards divulged in the form of supposition.

All his discoveries, however, went no further than to induce a belief that some design for rescuing the young Gilbert was on foot; but where, and in what manner, the enterprise was to be attempted, he was left to infer as he could. He did not doubt, indeed, that the attempt was expected to be made with his connivance, and that Affidavy had been bought to bribe him into compliance; though the covetousness of this unworthy and degraded limb of the law had led him upon a device

for dispensing with the jailer's services, and so clapping the additional reward into his own pocket. This circumstance convinced him the force of the conspirators could not be very great; and besides, he had good reason to suppose that not more than two or three could succeed, whatever might be their boldness, in making their way to the village, while the band was so closely beset at a distance. "At all events," he muttered to himself, as he sat by the gate, listening for the sound of footsteps, "if there should come even a dozen of them, and there's not so many left in the gang, I can let in just as many as will serve my turn, and then slap the door to on the rest.—Hist! It sounded like the tramp of a horse; yet 'twas only the splash of the river over the stones. Well now, if they shouldn't come, here's so much trouble for nothing, and the lord knows how much cherry-bounce. Silence there, you Hanschen! you're asleep. Ods bobs, men, don't scratch your heads so hard!"

He kept watch for perhaps the space of an hour, without hearing the stir of man or beast, or indeed any other sound besides the rush of the river, which rolls down a pebbly declivity hard by, and the chirping of numerous field-crickets on the trees of neighbouring gardens; when suddenly one of these insects, tired, as it seemed, of its dewy perch, which it had exchanged for the dry planks of the gate, or perhaps just waked up in the key-hole, began its nocturnal cry with a zeal and energy that instantly captivated the jailer's attention. It now struck his recollection that the attorney had, in some way or other, drawn these minstrels of the night into his suppositions; and he began to fancy the sound might be a signal made by the tories, though he could not imagine how the organs of a human being could be ever taught to imitate a cry

so peculiar. He felt his own inability to answer it in the same tone; and not knowing how otherwise to bring the affair to a point, he replied by a goodly whistle, which his companions supposed to be the signal of the enemy, and therefore prepared to start up at a moment's warning. The whistle was instantly followed by a slight tap on the gate, and Lingo, waving his hand to his backers to be silent, boldly turned the key. Then slipping the bolt aside, he saw three human figures on the outside, ready to enter. "Two to one," he muttered to himself, opening the gate wide enough to admit one to pass at a time. One actually entered, and was moving aside, without speaking, to make way for the others, when Lingo's scheme was defeated by a sudden rattling of chains at the window of Hyland's cell, and by a voice crying out, "Beware! beware! you are betrayed!"—"Up and on 'em!" cried Lingo—"Gentlemen, you are welcome!" and as he spoke, he made a grasp at the first comer, which was answered so effectually, that he instantly found himself sprawling on his back, with such a blaze of lights dancing in his eyes, that he thought his whole brain had been converted into a ball of fire. The next instant, there was a loud cry of voices, and a roar of pistols, which, reverberating from wall to wall, filled the narrow yard with the most dreadful din; and Lingo started up just in time to behold a tall figure darting through the gate into the open air.

"Fire and furies!" he cried, rushing after the fugitive; "I'll pay you for that touch of the tomahawk, you bloody tory!" and the next moment coming up with his chase, he struck him a blow with his heavy sword, that brought him to the ground. Then pouncing upon him, and assisted by another who ran to his assistance, crying that

'all were taken,' he dragged the prisoner into the yard and secured the gate. "Lights, Hanschen!" he cried, "Yaw," said Hanschen; "but fat's the use? Here's one teadt, and anoder tying. And here's Sturmhausen has his headt proke; and here's me mit my finkers chopped off by the tamt *schelm* rogues. But I have kilt vone, mine Gott be thank'd! and I fill hang the t'oders!"

Before Hanschen had wholly delivered himself of his private ills and triumphs, a loud huzza was set up by the others, upon hearing that all the three assailants were secured. Lights were instantly brought into the yard, and, sure enough, there lay three men on the ground, one of whom was stone dead, his head blown to atoms by Hanschen's pistol, a second writhing to all appearance in the agonies of death, and a third—but what were the surprise and mortification of the jailer, when in this third, the man he had cut down with his own hands, he beheld the visage of his prisoner, Sterling.

Upon this discovery being made, all was again confusion; the gate was a second time thrown open, but only that they might behold the whole village in commotion, the alarm having been given by the previous tumult. It was plain that the third individual, and he perhaps the most important of all, had made his escape. To add to the confusion of the scene, the wounded tory, upon hearing some of those who raised him pronounce the name of Sterling, suddenly snatched a pistol from one, and discharged it at this unlucky personage, with a bitter oath. It was struck from his hands, however, so that it did no hurt to any one.

The jailer, now in fear lest the other prisoners might have broken from their cells, ran to those occupied respectively by Hyland Gilbert and

Dancy Parkins, both of whom he found in fetters, the former, in truth, secured by a bolt to the floor, so that, although he had some freedom of motion, he could not approach the window near enough to look out, and must therefore have been led to give the alarm to the rescuers by hearing the crash of the bolt in the gate. This was additional evidence of the guilt of Affidavy; but at that moment, the jailer did not trouble himself to think of that discomfited personage. He stared at the prisoner, heard his beseeching demand, 'Who had been taken? who had been hurt?' answered it by a profane oath, and then ran to Parkins's cell. He then stepped to that occupied by Sterling, and found that this individual, seduced perhaps by the sounds of wassailing below, had employed his time in removing with a knife a hinge from his door, by which means he had made his way into the yard, where he took advantage of the commotion so unexpectedly displayed, to make a bold dash for freedom. What had seduced this wretch, who was in no immediate peril of death, or even trial, and who had freely rendered himself into the hands of justice, to attempt his escape, Lingo could not imagine; and in truth he did not attempt to solve the mystery. He satisfied himself that he had given him a severe, perhaps a serious cut, betwixt the neck and shoulder, and then had him carried into his cell, not without some very hearty curses upon his enterprise, and its effects in robbing him of a more valuable prize. These were borne by the adventurer without any reply save ghastly looks; and indeed Mr. Sterling was a greatly altered man, presenting an appearance even more wo-begone and wretched than that of Hyland, the victim of his anger. As if to mark the jailer's indignation in the strongest way, the wounded refugee was

deposited in the same chamber, as well as the body of his comrade.

Upon examining into the condition of the defenders, it was found that Hanschen had received a cut over the hand, which, as was discovered afterwards, had been inflicted not by a foe, but by one of his fellow-defenders; and this had deprived him of a finger, and perhaps of the service of two others. Another man had been hurt by a bullet in the leg, and a third had been stunned, like Lingo, by a stroke on the head. As for Lingo himself, he discovered, with some surprise, that the blow which prostrated him had left a wide and ugly gash on his crown, though not one from which he had cause to apprehend serious consequences. The only ill effect it produced was, to sour his temper to an uncommon degree; so that after peace was restored in his dominions, and his aiders and abettors all discharged for the night, he betook himself to the sleeping Affidavy, and bestowed some three or four such kicks upon his ribs, that it was a wonder he left a sound one in his body. But even these failed to rouse the stupified attorney; and at last, calling to Hanschen for assistance, he dragged him up into Sterling's cell, where he deposited him on the floor, betwixt the dead man and the dying.

"Now here are four bites for the devil together," he said; "and if they all die before morning, it's all one to Bob Lingo."

With these words, he descended to look after his wound, which was bleeding freely.

CHAPTER XVI.

Jaff. Ha!*Pierre.* Speak; is't fitting?*Jaff.* Fitting!*Pierre.* Yes; is't fitting?*Jaff.* What's to be done?*Pierre.* I'd have thee undertake

Something that's noble to preserve my memory

From the disgrace that's ready to attaint it.

OTWAY.

THE attorney's sleep was long and sound; and, by and by, notwithstanding the exciting nature of the midnight events, sleep visited the eyes of all others in the prison, even those of the hapless Hyland. The misery of his situation was complete. His hopes of escape, confirmed almost to certainty by Affidavy in his last visit, in which the whole plan was explained to him by this honest gentleman, threw him into a frenzy of joy; and it was with unspeakable agitation that he listened to the subdued murmurs below, which told him the first and most critical scene of the conspiracy had already begun. How the attempt of Affidavy upon the head of the jailer terminated has been already seen; how the scheme might have eventuated, had this rapacious wretch followed out the plan he had proposed to the others, which was to bribe the jailer into connivance, it is not so easy to say, Lingo being perhaps too much of a philosopher in his way, to refuse a good price for his honesty. But Affidavy, while he held the bone in

his mouth, hungered exceedingly for the shadow, or, to speak more strictly, for that smaller morsel destined for the jaws of his friend; and, in consequence, adopted the foolish device of the ‘hocusse’d’ cup, in which he encountered so signal a failure. While Hyland sat in his cell, devoured by expectation, the door was opened, and the jailer’s assistant entered, bearing a heavy set of fetters, which he forthwith proceeded to fasten upon his limbs. This was the first moment they were ever thus dishonoured; but the unhappy youth thought not of the disgrace; he saw at once that the scheme of flight was defeated, and that his hopes had been encouraged, only to be blasted. The agitation of his spirits threw him into a swoon; rousing from which, he gave himself up to despair, until his thoughts were diverted into a new channel by an unexpected commotion below, which was indeed caused by nothing less than the entrance into the prison of the five men whom Hanschen had secretly summoned to his assistance. He heard them pass into the yard, and inferred at once that the scheme for his escape was intended to be turned against his unsuspecting friends. For this reason, he gave the alarm, the instant he heard the gate swinging on its hinges, and would have done so sooner, had he been able to approach the window, so as to look out upon the proceedings of the jailer. Let his sufferings be imagined, when he heard the sudden din of pistols and voices, followed by execrations and groans, without knowing aught of the result of the rencounter, except that it had been fatal to his own hopes. He saw the jailer look into the apartment, his visage stained with blood, and then depart without satisfying his painful curiosity; and then followed a long period of silence, equally oppressive and distract-

ing. Great as was his distress, however, it contributed in the end to stupify his mind; and towards morning, he fell into an uneasy slumber, to add the tortures of the ideal to those of the material world. From this he was aroused by a noise, as it seemed, at his window; and starting up, he distinctly heard a voice pronounce his name. It was but a whisper, and that fainter than the lowest chirping of the insects; but he recognized at once the tones of Oran; and, scarce repressing a cry of joy, he rushed towards the window. The chain was still upon his body, and its clash, with the rattling of the ring by which it was attached to the floor, told to Oran, as well as to his own spirit, how vain was the effort. The cell which he inhabited was in a corner of the building, and the wall of the yard was perhaps within six or seven feet of the window, which was more elevated, and therefore overlooked it. It was possible for a man, standing on the top of the wall, and of sufficient strength of body to support himself, lizard-like, while leaning towards the window, almost to reach it with his arms; and Hyland, who had noted these circumstances before, easily understood the situation of his visiter, which besides being extremely dangerous, was also exposed to observation.

"I cannot approach, Oran," he cried in the same whispering tones; "I am chained to the floor."

"Hold forth your hand," muttered the refugee, "and cast me the end of your neckcloth. You shall have files and aquafortis; and to-morrow night you shall be free. Cast out the neckcloth."

"I cannot," replied the prisoner, with a voice of despair; "I cannot reach the bars, even if I had files to cut them. What shall I do? Oh, brother,

brother! why did you leave me? Speak, brother, for Heaven's sake, speak! Can you help me?"

The refugee remained silent, apparently struck dumb, either by the reproach of his brother, or by the discovery of his inability to help himself; and Hyland, imagining that his silence was owing to some sudden alarm, held his own peace, awaiting the event. In a short time, however, the refugee spoke again: the whisper was as low as before, but it was broken by some strong tumult of feeling.

"I can *not* help you, Hyland," he said,—"unless, unless—But hold; I will fling a file through the bars, and you can saw yourself free. Throw your bed on the floor under the window, that it may make no noise. Are you ready?"

"I am," said Hyland; and the next instant he heard the steel instrument strike upon the bars of the grating, whence it fell ringing among the stones in the yard. A second was cast with better effect, and entering the window, fell upon the couch. But as if fate now designed to tantalize the unhappy youth into distraction, he no sooner sought to obtain it by dragging the bed towards him, than he heard it fall off upon the floor, where it remained beyond his reach, and must remain until discovered by the jailer. This mishap being communicated to Oran, drew from him an exclamation, in which Hyland was made aware of his hopeless situation:

"God help you!" he cried, "I can do no more."

"Yes, Oran, yes!" exclaimed the prisoner, "you can help me yet. Throw me a knife"—

"Hah!" said Oran, "and you will use it on the jailer? ay! as he bears you to the court house, in the morning! Strike him in the throat—I will be by, and, perhaps—Well, well, you will at least die like a man, not like a dog. Will you kill him?"

"No!" said the youth; "God pardon me the blood I have shed already: I will never more harm a human being—no, not even to save my wretched body from shame. Yet throw it to me, throw it to me!"

"And for what?" muttered Oran, in tones scarce audible.

"For what?" replied the prisoner. "Oh God, do you ask me, brother?"

"For your own bosom then? Ay, can we do no more? And the lawyers, then, can give you no hope, not even for money?"

"None, none: I am condemned already—The knife, the knife!"

"The dream's out!" said Oran, with what seemed a laugh. "When I was a little boy, and the rest were but babes about me, I dreamed, one night, that there were seven of us together, though there were but four of them born, and that I killed them. And so they say *I have* indeed! Well, boy, I have killed you, as well as the rest, and now I am alone. You shall have the knife—yet be not in a hurry. Something may turn up: Sir Guy may demand a military trial—But no, I am lying to my own heart: you must die, Hyland, you must die! for even I cannot help you."

"The knife will help me."

"Take it!" said the refugee, with a voice so loud as to show his feelings had got the better of his caution,—and indeed his accents betrayed the most vehement agitation; "take it!" he cried, flinging it against the window with a motion so reckless or perturbed, that it did not even strike the bars, but coming in contact with the stone framework, it rebounded and fell, like the file, to the ground below. "Ha ha! you see, brother! there is no hope for you,—no, not even in the knife!"

"Brother!" cried Hyland, "you can help me yet."

"It is false!" said the other: "my band is broken, my body bleeding, and now, if they would send a boy against me, why a boy might take me."

"Listen, brother—it is my dying prayer," said Hyland, "and nothing else can be done. Before midnight of the coming day—perhaps earlier—I shall be a doomed man—doomed to death—doomed to the gallows? Brother, don't let me die on the gallows! Where is Staples? He can send a bullet through the eye of a leaping buck; I have seen him kill a night-hawk on the wing. Brother, you will be my heir—give him what you will, give him *all*, and let him come to-morrow night on the square, and when he sees a candle held at this window, let him fire at it,—let him aim well,—at the candle, brother, at the candle! Oh heaven! do you not hear me?"

"I hear," said Oran. "A wild freak that, but good! ay, boy, good, good, good! But Staples—ha, ha! Choose another: take the whole band; one will be as ready to serve you as another."

Had not the prisoner been prevented by his own feelings from giving note to any thing save the mere words of the refugee, he might have detected the traces of some extraordinary emotion in the unusual abruptness of his expressions. He even failed to observe the incongruity between Oran's invitation to choose an executioner from his whole band, and the late declaration he had made, that the band was broken up. He repeated the name of Staples, adding, "Let it be Staples, brother, for he is the boldest and truest: he fears nothing, and he misses nothing."

"Call him out of the yard then," said Oran; "he lies there cold as a stone."

"Ashburn then, Tom Ashburn!" cried Hyland, after an exclamation of dismay at the intelligence; "he is the next boldest, and a true shot."

"Another, another! They fished him out of the river at the Foul Rift, yoked fast to the carcass of his horse."

"Bettson, then!"

"He lies, with Staples, dead in the yard here."

"Good God! is there none left then to save me from this horror. Oh brother, send any one. Is there not one?"

"There is *one*," said Oran, and his teeth chattered as he spoke; "there is one, and only one; but he shoots well too, and is as bold as any. Farewell, young brother—the streaks are in the sky: we will never see one another more. Reach forth your hand, brother, and let me touch it."

"Alas, Oran, I am chained to the floor."

"Ay,—I forget: 'tis all one. Say that you beg God to forgive me, and that you forgive me yourself—let me hear you say it."

"Wherefore, Oran? Alas, wherefore?"

"For what I have done to you; for what—But it is nothing. But say it, though; say it, or hope for no friend in the thing you speak of."

"God forgive you then, Oran," muttered the brother, almost mechanically; "I forgive you myself."

"It is enough," said Oran—"Farewell." And these were the last words Hyland ever heard him utter. He descended from the wall—*how* the prisoner knew no more than how he had climbed it,—and that so suddenly, that although Hyland called to him again, the moment the farewell had past his lips, he was already beyond hearing. Finding that he was really gone, the prisoner fell upon his knees, and strove to invoke forgiveness of the act

he meditated: for he rightly felt that it must be but a form of self-murder.

He then threw himself on his couch, looked back upon the events that had marked his existence in the valley, and wept over the misery they had entailed upon one whom his love had wrapped in the same destruction with himself.

CHAPTER XVII.

Convict by many witnesses and proofs,
And by thine own confession.

MARINO FALIERO.

THE Master of Fiction has compared the course of a supposititious history to the career of a stone, rolled down the side of a mountain; which, at first, labouring and stumbling along, in a slow and hesitating manner, as if on the point of being arrested by every petty obstruction, gathers force as it descends, and at last pitches onwards with impetuous leaps, which soon conduct it to the bottom. To give the figure the completeness of an allegory, it may be added, that when the moving body has once acquired a little superfluous momentum of its own, it communicates it to other stones, and these again to others, which, increasing in number as they grow in velocity, are at last seen rattling down to the vale below, in a perfect avalanche, as confounding to the senses as it is hurrying to the spirits. In this manner, a single incident begins its weary course along the declivity of story, stirring up others as it rolls onward; until, in the end, there is such a mass in motion, that, if all were to be described as fully as at the starting, it would require a Briareus himself to do them justice. It is, then, difficult to keep pace even with the original event, the course of which is as violent as the others; and this can be done only by

imitating the hurry of the moving body, and marching, in great leaps, to the end.

We must pass by, with a word, the confusion caused throughout the whole village by the rencounter in the prison-yard; the steps that were taken in consequence to follow the refugee who had escaped; the proceedings that were had in relation to the bodies, (for the wounded Staples expired within a few hours after his surrender;) and, finally, those that paved the way for the trial of the unfortunate Hyland.

The morning broke; the hour of trial approached; the village was thronged with the idle and the curious; the court was opened, the grand jury empannelled and charged, and in a short time returned into court a formal bill of indictment against Hyland Gilbert, with some two or three *aliases*, for the wilful murder of Henry Falconer.

The details of the trial it is not our purpose to narrate. There were the usual preliminary flourishes, thrusts, and counter-thrusts, on the part of the counsel, with those applications for postponement and arguments against it, that weary the patience of the good citizens who come to a tribunal of life and death as to a raree-show, and perhaps with some such feelings as conducted the ancient Romans to the amphitheatre. There was even an attempt made by the prisoner's counsel (of whom the unlucky Affidavy was *not* one—at least, he did not make his appearance,) to oppose the jurisdiction of the court, precisely as Affidavy had boasted he would do, but with so little zeal and energy, that it was soon seen the prisoner was to derive no benefit from such a plea. In fact, from the beginning to the end, the counsel for the prisoner conducted the case in so spiritless and desponding a manner, as to convey the most melan-

choly prognostic to those who judge of the goodness or badness of a cause by the colour of a counsellor's complexion. It seemed as if they were themselves too well satisfied of his guilt to think of contending for his innocence; and it was soon seen that they had good cause to despair; for the prisoner, upon being formally arraigned at the bar, rose up, and despite the opposition of his counsel, insisted upon pleading *Guilty* to the indictment.

From the consequences of this rashness—a result of mingled remorse and despair—the unhappy young man was saved by the humanity of his judges, who directed the plea of Not Guilty to be entered, as, we believe, is usual, or at least frequent, in such cases.

Upon being asked ‘How he would be tried?’ he answered, with the same readiness, “By God and my country;” and the elder of his counsel making some trivial remark on the latter word, coupled with the hint that his *domicil* was strictly within a foreign territory, he repeated the word with great vehemence, insisting ‘that he was born upon the soil on which he stood, and whether he lived or died, and whether it owned the sway of the royal government, or assumed the state of a free Republic, it was still as much *his* country as before, since still the land of his birth.’

He was directed to resume his seat; but the readiness with which he seemed to abandon all the little hopes remaining to him softened the hearts of his judges, and brought tears into the eyes of many who came to see, in a Gilbert and refugee, some dread-looking monster, and beheld only an emaciated youth, evidently nurtured on the lap of gentleness. Indeed, there was no little confusion produced on several occasions, by the com-

passion his appearance excited; one instance of which happened, when Captain Loring, summoned entirely without the knowledge of Hyland, along with two or three others, for no imaginable purpose, but to testify to the mildness of his disposition and the excellence of his previous character, entered the witness's box, and laid eyes on the youth for the first time since his arrest. He no sooner beheld his wretched plight, than forgetting half his own wrongs, he began to blubber and stretch out his arms, and declare, 'after all, adzooks, he didn't believe his young Herman had committed the murder, for all they said of him.' Then being reproved, and something in the rebuke reminding him of his daughter, he burst into a rage, reproaching the young man for his deceit and base outrage, from which he was only diverted by a second rebuke, to begin to blubber and defend as before. In short, it was soon found that his testimony was not to be obtained, and as his wits were pretty generally thought to be infirm, he was directed to be removed. This was, however, at a later stage of the trial, and after the more important witnesses had been examined. These comprehended those individuals who were present at the scene of blood, the chief of whom were captain Caliver, lieutenant Brooks, and the adventurer Sterling. The evidence of the two former might have been esteemed sufficient of itself to convict the prisoner, and there seemed a degree of cruelty in bringing into the court, merely to confirm their testimony, a man enduring so much bodily suffering as this wretched Sterling. It seemed, that he had received some serious injury, when hurled so roughly by Oran Gilbert among the rocks; for it was remarked, soon after the cavalcade was formed that conducted the body of young Falconer to Hawk-

Hollow, that he became wan and troubled, and occasionally a little wandering in his behaviour. He had grown worse during the three days he was confined in prison, and had caused no little trouble by his groans at night. In addition to all this, he had bled freely from the cut he received from the jailer, while attempting to escape; that attempt, as he averred on a previous occasion, having been made in his sleep, he being occasionally afflicted with the infirmity of somnambulism. When he appeared in court, all were struck with his haggard appearance; the light of cunning had departed from his eyes and mouth, being superseded in the one by a certain wild, yet torpid and smouldering ray, such as might be looked for in the organs of an expiring maniac, while the other was distorted with pain, of which it was hard to say whether it existed most in mind or body. Upon being called upon to declare what he knew in relation to the prisoner and the deceased, he swore, to the surprise of every one, ‘that he knew nothing to prove the prisoner’s guilt, but much that spoke in favour of his innocence.’

Even Hyland, who had leaned his head down in passive despair, was startled at a declaration so unexpected; his counsel became a little animated, and the Deputy Attorney General reminded the witness, ‘that he was now in a court of justice, speaking to truth upon oath, and not upon the boards of a theatre, delivering the tricksy paradoxes of a play-wright.’

“Very true,” said Sterling, with a ghastly smile; “but that day is over.”

Upon being asked what he meant by the last expression, he replied, ‘that he alluded to his original profession of the stage, on which he once had his day, like others.’ He then proceeded to state, that

while pursuing his vocation, some years before, in the island of Jamaica, he had several times seen the prisoner, then a young man of eighteen or twenty, the heir of a rich widow, his kinswoman, and occupying a highly favourable situation in society, and being, as far as he knew, of estimable character. He next encountered him in the month of May, at the tavern of Elsie Bell; although he did not immediately recognise him. The third time he saw him was at the Terrapin Hole, among, or near to, the refugees, among whom, as he caused it to appear, he had himself stumbled by accident; the consequence of which was that he was induced to join the band, to protect himself from a peculiar peril in which he was placed. On the evening of that day, he accompanied the leader of the band to the park of Gilbert's Folly, where the prisoner was found struggling in mortal combat with the deceased. A conflict ensuing, of which he could say but little, having spent several hours previously in drinking, he did himself attack the deceased with a pistol, scarce knowing, in his intoxication, what he did, and would have killed him, had he not been restrained by the prisoner, who took the pistol from his hand, and assisted the deceased to make his escape; "and this the prisoner did," added the witness, with a firm voice, "although, at that moment, he was bleeding from a pistol-shot, received but a moment before from the deceased, with whom he had fought a duel, and by whom he had been treated with some unfairness and much barbarity."

He then continued to state, that the design having been communicated to him of carrying off Miss Loring, he himself, esteeming it rather a wild frolic than a serious outrage, had obtained permission to co-operate in an assumed character; and

that what confirmed him in the belief that no wrong was meditated to any one, was his overhearing a conversation betwixt the prisoner and Oran Gilbert, in which the former insisted that no one should be injured, particularly naming the deceased and his father, Colonel Falconer. At the time the band broke into the house, he, being again overcome by wine and in a mischievous mood, knocked down the deceased with a fiddle; and had the prisoner been moved by any malicious impulse, he could have easily killed him at that time. As for the murder itself, all that he could say was, that at the moment the pistols were discharged, he was himself nearer to the prisoner than was any other person on the ground; and yet he could neither swear upon his knowledge nor to the best of his belief, that the prisoner had fired the pistol that terminated the deceased's career. There were several pistols fired, he knew not by whom, nor did he believe any man could say by whom, for the morning was still dark, and all were in confusion. It was as likely that the deceased had been killed by his own (the deceased's) pistol, as by the prisoner's; for being notoriously an expert shot, nothing but accident could have caused him to miss the prisoner, at whom he aimed, and who was so nigh at hand; and the accident that diverted the pistol from the prisoner, might have turned it against the neck of the deceased himself. Finally, he was convinced, that, be the matter as it might, there could have been no malice aforethought on the prisoner's part, or he would have taken advantage of those moments to execute his purpose when he could have done so without risk or discovery.

This testimony, which was justly esteemed extraordinary, coming as it did from one who had been admitted as evidence against the prisoner,

produced a remarkable effect throughout the whole court and jury, as well as the spectators; and was indeed more like a harangue designed for the prisoner's benefit than any thing else. It was delivered with pain, but still firmly, and at the close, the witness appearing to be exhausted, he was allowed to retire, while the Deputy, saying, 'he was gratified to hear such mitigating circumstances advanced in the prisoner's favour,' added that he would summon two witnesses to prove the murder from the prisoner's own voluntary confession, and would then produce two pistols, the only ones discharged, one of which he would prove had been fired by the deceased, the other by the prisoner.

The jailer and his assistant were called, and both swore, that the prisoner had repeatedly called himself a murderer.

Honest Schlachtenschlager, who had officiated as coroner, was then summoned, and appeared in court, bearing five pistols, being those delivered to him by Brooks, while sitting on the inquest. These being handed to the latter gentleman, he immediately identified one as the weapon discharged by the deceased; the second, he averred, he had taken from the ground at the prisoner's side, and the other, its fellow, from his holsters: the remaining pair belonged to Sterling, and had been taken from him before or after the murder, he knew not which, and had been by the witness given into the possession of Schlachtenschlager.

"Yes," said Schlachtenschlager, "that fas fat the young man said. T'at pistol mit the colden star on the preech, and the plue parrel, fas the ploodty feapon."

Here the worthy magistrate was directed to hold his tongue, his evidence not having been required, and his commentaries being wholly super-

fluous. But he had said enough to give a new and unexpected turn to the whole proceedings; for the prisoner, who had been staring from the pistols to the witness, with a sort of passive recklessness, no sooner heard the words ‘golden star,’ and ‘blue barrel,’ uttered than he started up as if seized with a fit of madness, his eyes staring out of his head, his arms outstretched, and his whole figure displaying the influence of some extraordinary conception.

“The golden star! the blue barrel!” he cried, in a voice that thrilled every bosom. “Oh heaven! have I been mad up to this moment? Ha, ha, ha! what a fool! what a dolt! Give me the pistol!”

“Sit down,” said one of the judges; and even his own counsel endeavoured to force him back on his seat.

“I won’t sit down,” he cried in the same tones. “The pistol! the pistol! my life depends upon it! Oh, heaven be thanked! I am an innocent man. The pistol! look at the pistol: there is a shot in the vent, and it will not fire! I remember now, it flashed when aimed at Sterling. Call Dancy Parkins—examine it, look at it, prick it with a needle,—blow in it, pour water in it—it could not harm him! No! heaven be thanked! no, no, no!” And so great became his agitation, that he fell to the floor in a fit of convulsions.

This singular announcement produced unspeakable agitation. The court was ordered to be cleared, and the prisoner to be withdrawn a moment, until restored to his senses. Dancy Parkins was then called, and upon being shown the pistol, swore positively to the effect, that one of them (he knew not which,) had become useless in consequence of a leaden shot, or some other substance, getting into the vent; that the day before the attempt

upon Gilbert's Folly, he had been directed by the prisoner, upon whom he attended, to remove the obstruction; that he had received it for that purpose, but finding the removal more difficult than he anticipated, and being hurried by other circumstances, he returned it to the prisoner's holsters, intending to resume the task at another time; and then being separated from him, for the purpose of intercepting the clergyman, had forgotten it entirely. He knew not which of the two pistols it was; but if, as he supposed, the prisoner had not attempted to fire both, one would be found charged: the other, that is to say, the one out of order, he had himself taken care to empty of its contents before attempting to remove the shot from the vent.

The pistols were immediately examined, and one found well charged. The other was empty; and, as had been said, and as was hoped by almost every man present, it was discovered that there was some foreign body in the vent, which rendered it wholly unserviceable.

"This is indeed extraordinary!" said a judge on the bench.

"With your honour's permission," said the Deputy, who had been whispering to one of the under functionaries of justice, and now looked up in some perplexity, "I will recall the witness Sterling to the stand; though I humbly submit, I know no more than your honour what he has to say more. Yet he desires to be recalled."

"Ay, let him come," said Hyland, clasping his hands with joy. "He remembers the circumstance; for I showed him the pistol, and he told me the shot could be only taken out by a drill."

At this moment, the current of feeling was strongly in the prisoner's favour, and the condition of his weapon rendering it impossible that *it* could have discharged the fatal bullet, there was scarce a man present who did not believe him innocent, and believe so with pleasure, notwithstanding his unhappy connexion with the outlaws. But it was destined to be seen upon what a reed they had based their commiseration and belief, when Sterling, appearing again, craved to mention a circumstance which was now recalled to his memory by the turn of proceedings, and of which his previous forgetfulness should be rightly attributed to illness and disorder of mind. He remembered well the conversation of which the prisoner spoke; he *had* said, that nothing but a drill would remove the obstruction; *but*—and here he spoke with a degree of agitation that showed his reluctance to advance any thing against the prisoner—it happened that the conversation terminated in himself offering to remove the difficulty, by taking the pistol with him to Elsie Bell's, where some instrument might be found to serve the purpose; that he *had*, accordingly, taken it, leaving one of his own pistols with the prisoner, but had found neither leisure nor opportunity to repair it; that the circumstances of flight had prevented a re-exchange; and finally, that the incident had not been again thought of by him until the present moment. He was not himself disarmed until after Falconer's death; he had a pistol in his hand at the moment, which he dropped, while seizing upon the prisoner; and taking it up again (as he supposed) afterwards, it was probable he had then, without observing it, regained his own; and *this* might perhaps be the weapon with which the unfortunate shot had been

fired. He was disarmed a few moments afterwards, and was then seized with indisposition, which prevented his examining into the matter, or indeed thinking of it.

This testimony was as decisive as it was wholly unexpected. It struck the prisoner dumb, and his looks of horror were esteemed the best proofs of guilt. It was in vain that he afterwards exclaimed that the witness had sworn falsely; he had no testimony to disprove the story, and it was one that all others found apt and true, especially when Sterling's pistols having been examined, one of them was discovered to be empty. No one had dreamed of doubting the prisoner's guilt, until the moment when his sudden burst of animation at the sight of the weapons, threw all into confusion; and such was the change of feeling produced by Sterling's testimony, that it soon became the general impression that the prisoner had been playing a part in first acknowledging himself guilty, and then affecting to be surprised into a belief of his own innocence. Such an opinion as this could not, indeed, long prevail; for it was manifest, upon considering the circumstances, that the prisoner must have been as ignorant as others of the true condition of the pistols, unless he had previously, as if in anticipation of arrest, founded his whole scheme of bloodshed upon the accident of the obstruction; in which case he must have fired the other pistol, which was still loaded, or used some third one, which he had cast out of sight, although instantly surrounded by many different persons. The testimony of Sterling afforded the only and the best solution of the riddle, as far as it related to the crime; while in regard to the prisoner himself, all that could be imagined to account for his change

of deportment, was to suppose that even *he* had forgotten the original exchange of weapons,—that he was inspired with the hope of escape, upon the presentation of his own as that by which the murder had been committed,—and that that hope, thus accidentally excited, still nerved him to assert his innocence.

The contest was however over, the hour of grace was past, and the jury, after being charged in a manner highly unfavourable to him, were sent out to form a verdict, the character of which no one thought of doubting. It was even supposed that a few moments would suffice to terminate their deliberations, and that they would shortly return, to pronounce the word of doom. In this, however, the spectators were disappointed: some merciful, or doubting member of the panel had thrown a difficulty in the way of others; and, the prisoner being remanded, the court was adjourned until such time as they should be found to have agreed upon a verdict.

In the meanwhile, expectation was still on the stretch; the spectators from a distance still lingered in the village, the villagers themselves wandered up and down, or collected together at their doors in groups, all awaiting the tap of the bell that should call the court together to receive the verdict, and all agitated by the thousand rumours that were supposed to have made their way from the jury-room. It was twenty times, at least, in the course of the night, reported that the jury had already agreed, and twenty times there was a rush of people towards the court-doors, anxious and eager to behold the bearing of the prisoner, while listening to the word that should consign him to the death of a felon; but twenty times curiosity

was disappointed ; and the morning came without bringing the jury from their place of deliberation.

But long before the night had passed away, a new feature was added to the story of Hyland's fate, and new characters mingled in the drama, bringing with them new revolutions.

CHAPTER XVIII.

Peace: thou hast told a tale, whose every word
Threatens eternal slaughter to thy soul.

— Heaven is angry, and, be thou resolved,
Thou art a man remark'd to taste of mischief:
Look for't; though it come late, it will come sure.

FORD.

THE appearance of the refugees, with the fierce though unavailing contest they had attempted with the pursuers on the night of the outrage, had spread the alarm far and wide; and this was not diminished by the daring assault on the prison, as it was called, the real character of that enterprise not having yet generally transpired. One consequence of the alarm was, to draw to the scene of commotion the governor, or President as he was then called, of the commonwealth, who happened in the neighbourhood upon some tour of duty, and arrived after nightfall, so that his person was not generally known before day. One of the first persons upon whom he laid his eyes, after entering the hotel, was his old and distinguished acquaintance Colonel Falconer, with whose unhappy loss he was already acquainted, as well as with many incidents of the trial. Upon saluting him by name, the Colonel became greatly agitated, and besought him not to repeat the word, if he would not have him murdered before his eyes; with other expres-

sions indicative of a disordered mind, which the dignitary attributed at once to his melancholy bereavement. He then accompanied him to a private apartment, where he attempted to soothe him by condoling with him on his loss, but found him incapable of listening to argument or entreaty. The death of his son did not seem to affect him so deeply as the malice of the murderer, of whom he spoke with a bitterness and vindictiveness of feeling that shocked his hearer. It has been seen how his heart softened over this unhappy youth, when he met him at the water-fall, and deemed that he owed a life to his virtue. The death of his son had, however, converted his feelings into a new channel; and he saw in the humanity that drove him from the Hollow, only the evidence of a cold-blooded design to withdraw him from the scene, that his son might perish unaided; and this design he contrasted with his own friendly resolutions. In short, the demon of revenge had entered his spirit, along with that of fear; for, it seemed, the repeated discoveries of Oran Gilbert penetrating even to the haunts of his foes, had infected him with terror on his own account. The sight of the governor, in whose hands lay the power of life and death, seemed to throw him into alarm, lest he had come with the design of pardoning the murderer; and he lunched at once into a strain of vehement complaint, in which he mingled denunciations against the prisoner with personal calls upon the governor for justice.

In the midst of this scene, which the magistrate strove in vain to bring to an end, the door of the chamber was thrown open, and the figure of Elsie Bell entered the apartment. She had risen from a bed of sickness,—it might have been supposed from a bed of death, for her appearance was more

like that of a moving corse than a living being : and as she tottered up to Colonel Falconer, who stood aghast at the spectacle, her bloodless cheeks, livid lips, and eyes shining, almost without speculation, through the gray locks that had escaped from her head-dress, filled even the governor with awe.

"Where is Richard Falconer?" she cried, "I heard his voice but now ; and it called for justice!"

Her looks wandered from the governor, upon whom they were first fixed, to the object of her inquiry ; and it is impossible to describe the expression of mingled triumph and horror with which she surveyed him. She raised her shrivelled hands, and shaking them with a fierce but palsied motion, cried,—

"Yes, Richard Falconer, you called for justice, and now you have it. It has come, at last, in blood, and in blood richer than that of your own bosom. The death-bed curse of a ruined woman will not be forgotten,—it curses for ever!"

"For God's sake, governor," cried Falconer, trembling from head to foot, "leave me, or take the wretched creature away."

"Yes, leave us," said the widow: "let no one look upon him more, let no one look upon him now. Away, if you have pity for him who has none for himself."

The governor looked at Falconer, and perceiving that, although incapable of utterance, he made earnest gestures to him to depart, he left the chamber without speaking a word, but with a look indicating amazement and suspicion. He was no sooner gone than Elsie, stepping up to Falconer, laid her hand on his arm, now seemingly as palsied as her own, and said, with accents that sounded in his ear like the cry of a raven,—

" You asked for justice--ay, I heard the words with my own ears! you asked for blood,--the blood of him who has shed that of your son! You called for justice—it was for justice on your own head! Richard Falconer," she continued, "well may you tremble; the curse of Jessie Gilbert is now upon your soul, and it will be on it for ever."

" Woman," said Falconer, endeavouring to shake her off, but in vain, "you will drive me distracted."

" I will do you no such mercy," said Elsie: "Hearken—the last words of Jessie Gilbert were a curse,—the curse of a broken-hearted woman upon her betrayer: she died cursing you, and now the curse you feel, without knowing half its dreadfulness. Richard Falconer, you ask for the blood of Henry Falconer's murderer. Miserable man!" she added, relaxing her grasp, and clasping her hands with horror, "it is the blood of your own son,—the blood of the child of Jessie Gilbert!"

" Hah!" said Falconer,—but said no more. He gazed in the face of the speaker, and read a dreadful confirmation of her words, while she continued to utter, as in a kind of insane exultation,

" Is not this revenge for Jessie Gilbert? The brother kills the brother, and the father kills the son!—ay, as he before killed the mother! Now, Richard Falconer, repent and die—the victim is avenged! It is true!"

" It is false! false as hell!" said Falconer, recovering speech; "or what, oh God of heaven! what am I!"

" The avenger of your own black and heartless villany," said the woman. "Hearken, Richard Falconer, and you shall know all. When Oran Gilbert knew the shame of his sister, he swore its

miserable fruit should never see the light; and I knew he would slay it, even out of hatred of the father. That night! that night! it was a night of horror. Jessie Gilbert lay dead, with a babe wailing on her bosom; and the mother, the broken-hearted step-mother gave to my hands her own untimely and still-born offspring—the brothers raved at the door, calling for the child of shame. I had mercy—mercy on your child,—not because it was yours, but because it was the babe of Jessie. I laid it in the arms of the step-mother, and it lived. She kept the secret, and the father of her you betrayed kept it also, though he sent it afar from his sight. Thus was it saved—thus was the child of sorrow preserved, that he might imbrue his hands in the blood of his brother, and then perish at the call of his father!"

"Wretch!" said Falconer, sinking on a seat, "and this dreadful secret you kept, that *I* might be made the most miserable of men? And you incited on the unhappy Hyland to the murder of his brother?"

"I did what I could to save him,—not for your sake, though, Richard Falconer, but for the love of Jessie. I warned the boy of his danger—nay, I would have told him of his birth, but that I knew it would kill him; and I loved him for his goodness. Why should I have filled him with shame, staining him who was innocent of his father's crimes, with the disgrace of his birth?"

"Elsie Bell," said Falconer rising and advancing towards her, "I am a villain.—My poor Harriet! my poor Harriet!" he added, and as the widow looked into his face, she was amazed to see it streaming with tears. "But for her, but for *her*," he added, "but for her and my wretched Henry—but for my children, Elsie, I might, I *would*

have done justice to Jessie's memory. Oh God! had I but known of this thing before! But why, *now*, should it be known? You revenge the murdered Jessie not on me, Elsie, but on my poor Harriet. The stain you feared to cast on the name of Hyland, you fling on the forehead of my daughter. "Elsie Bell, Elsie Bell," he exclaimed, in unspeakable agitation, while drops of sweat rolled from his temples and mingled with his tears, "if I tell you what you know not, though it show me to have done worse by Jessie Gilbert than you dream, it will destroy my remaining child. And why should I destroy her? Why fling her before the world as a creature to be scorned, for the sake of a wretched fratricide? I will not do it,—I will say no more—what *have* I said? When they are dead,—when all are dead, then let me lay bare my baseness, and think of the memory of Jessie. But this child,—this wretched, this blood-stained Hyland,—I will save his life,—the governor shall grant me his pardon; it cannot be that he will refuse me—But I will never see him, no, never—Hah! hear! what is this? They are bringing him forth! Hark! they are shouting aloud for his condemnation!—Oh heaven support me! To this I—I have brought him!"

But we have not the courage to pursue further the agonies of the wretched father, whom a sudden commotion in the street, with loud cries of "To the court! to the court! the jury have made a verdict!" one of twenty false rumours to which expectation gave birth,—threw into new transports of anguish. At last, moved by an irresistible impulse, he started up and ran into the streets, through which he made his way to the prison.

In the meanwhile, Hyland strode (for though securely fettered, he was no longer chained to the

floor,) to and fro in his cell, a changed, we might almost say, a happy, man. The sight of his pistols in the court had introduced a new set of associations, from which he perceived clearly, that, although he had so long esteemed himself the author of Falconer's death, that young man had, in truth, fallen by some other hand. The story told by Sterling of the exchange of pistols between him and the prisoner, was, as Hyland had pronounced it, a sheer fabrication; although he was unable to devise any reason Sterling could have for swearing falsely; his original testimony having made it clear, that he was not actuated by motives of malice. He remembered that he had raised a weapon against his rival, which, as others were discharged at the same moment, he did not dream had failed to go off; although he now recalled to mind that the same one--he had taken it from the same side of the saddle--had flashed in his hands, when aimed at the head of Sterling. Remembering these circumstances in connexion with Dancy's declaration that he had restored the pistol, entirely empty, to the holsters, he saw at once, however others failed to see it, that Providence had interposed to save him from the crime of bloodshed, and that he was therefore, save in intent, wholly innocent. This persuasion was enough to banish his despair, which was founded chiefly on remorse; and perhaps, in great measure, also, his apprehensions; although in a cooler moment, he would have perceived upon how weak a foundation he built his hope of escape, so long as the falsehood of Sterling was not exposed.

Twenty times he endeavoured to throw himself upon his knees, to thank Heaven for its signal interposition in his favour; but his devotions were checked by the tumult of his mind, which increased at

last into such distraction, that although he received a visit from his jailer, whose errand had no unimportant bearing upon his interests, he failed to take any advantage of Lingo's good will, or even to understand the purport of his communications. The fact was, the note of hand which he had drawn from Affidavy's pocket, besides affording confirmatory evidence of that worthy individual's connexion with the attempted rescue, had made a strong impression upon Lingo's cupidity; and his object in the visit was nothing less than to intimate *his* willingness to serve the prisoner in the same way, and on much more reasonable terms. But he found the prisoner in no condition to treat with him on such a delicate subject; and after unmasking his battery, and uttering several broad hints in regard to his friendly intentions, he was forced to give over in despair, resolving, however, to open negotiations at a more favourable moment.

In the meanwhile, Hyland still paced to and fro through his dungeon, till his feeble limbs refused to support him longer. He then threw himself upon his couch, and becoming more collected, pondered bitterly over his situation. He heard the rush of the people towards the court-house, which was at no great distance, as well as their shouts 'that the jury had descended!' and he felt at once, with a thrill of fear, that he still lay hovering on the brink of a precipice. He started up in an agony of mind not to be controlled, and throwing himself upon his knees, began to invoke heaven with wild exclamations; when the door of his cell was thrown open, a bright lamp flashed in his face, and looking up, his eye fell upon that of Colonel Falconer, who entered the room, followed by the tottering Elsie. The door was closed behind them,

and Falconer stood rooted to the floor, surveying his wretched offspring, who seemed petrified at his appearance, while Elsie stepping up to him, held the lamp to his face, and bade the father look upon the features of his son.

"It is Jessie's face over again," she muttered, "and as pale, as ghastly, and as distracted as when she cursed her betrayer. She cursed him, but do not *you*, Hyland—the curse has fallen upon all. Now, Richard Falconer, behold your son, and remember Jessie Gilbert!"

"His son!" cried Hyland, starting to his feet; "*his* son! Are you mad? Oh, Elsie, I am half distracted myself. Why do you bring that man to me?"

"Because," said Elsie; "he claims to see his offspring."

"His offspring! Vain old woman!"

"Would that you were not," said Colonel Falconer, with clasped hands. "I am now punished enough. Alas, wretched boy, you have killed your father's son. Hearken to this woman, and then add to the crime that already stains you, a malediction upon your parent."

"It is true, Hyland, it is true," said Elsie. "As there is a heaven above you, you look upon your own father, and you have killed your half-brother."

"I have killed nobody," said the youth, impetuously; "and if you would have me still innocent, drive that man away. His son! sooner make me the way-side beggar's—nay, make me believe myself a murderer rather. His son!"

"Ay," said Colonel Falconer, with deep emotion, "the sinful son of a sinful parent."

"Stand away! approach me not!" said Hyland,

for Falconer was approaching. "Your misfortune has turned your brain. Touch me not, for I remember my sister!"

"Your mother, boy, your mother!" said Elsie.

"Be it my mother, if you will: what then have I but more cause to curse the author of her shame?"

"The author of her death, not shame," said Falconer, with a smothered voice. "Murderer of your brother, even for your sake I will take that veil of disgrace from your mother's memory that must be hung round the brows of my daughter. Do not curse me, my son—Elsie Bell, I deceived you all, and it was the deceit that killed my poor Jessie. This boy was born in wedlock,—the child of the abandoned and broken-hearted, yet wedded, wife of her destroyer."

"Your wife! gracious heaven, your wife!" said Elsie, on whom these words produced as strong an effect as upon the bewildered Hyland. "Now, Richard Falconer, if you have spoken the truth, you are indeed a blacker villain than ever men believed you."

"I am," said Falconer; "for with the lie I killed my wife and laid her in a grave of dishonour. You were made to believe it was but a mock ceremony that united us: it was a legal and honourable tie, and broken only by the death of Jessie. And for what purpose? You know, Elsie Bell, you know very well, yes, surely you know," he added, with much agitation, and as if afraid to speak further. But Elsie sternly affirming her ignorance of any cause he had for destroying the peace and good name of her whom he acknowledged his lawful wife, and Hyland now regarding him with a look of mingled fear and entreaty, he essayed to speak; and again the sweat-drops, oozing from his temples, betrayed

the anguish and shame of mind with which he exposed an act of unexampled duplicity and baseness. His confession was indeed one which no light remorse could have wrung from his spirit; but it was made, and made without concealment or attempted extenuation, although it undoubtedly revealed a strong if not just reason for his failure to rescue from shame the memory of his betrayed wife. He had begun the world as a needy adventurer; but was early patronized by a gentleman of great wealth, with whose daughter, an only child, he soon presumed to fall deeply in love; the consequence of which was the withdrawal of his patron's favour, and immediate expulsion from his house. It appeared, that he had not failed to make some impression upon the lady's heart; but she was a spoiled child and coquette, and he left her with but little hope of ever deriving any advantage from her tenderness. He betook himself to the army, was transferred, in course of time, to the frontiers, and in less than two years after his departure, found himself recovering from the wounds he had received at the Moravian town, under the roof of Gilbert's Folly. The youth and beauty of Jessie, his gratitude for her kindness, and still more, perhaps, for her affection, which the simple-hearted maiden gave him almost at first sight, and had not the power to conceal, touched his imagination, if not his feelings; and in a moment of excitement, and folly, he proffered her his hand, and was married. The marriage was secret—it might be added, accidental; for the freedom of manners, at that day, and in that country, allowing such license, he often, as he recovered, found himself galloping with the merry maiden on visits among the settlements a dozen or more miles distant; and it was upon one of these occasions that he gave his love and faith to-

gether to the thoughtless maiden. The knot was, however, no sooner tied, than he was seized with fears and regrets: he had already received overtures towards a reconciliation by his old patron, and without well conceiving in what manner he could profit by a return of friendship in such quarter, he persuaded himself, and his bride also, that his interest demanded some temporary concealment of their union. To this Jessie was easily induced to accede; for having no distrust in her lover, she saw in such concealment only an additional frolic, such as she esteemed her marriage to be. She feared no censure from her parent, who had indeed long since signified the pleasure with which he would receive so gallant a gentleman for his son-in-law; and she looked forward with merry anticipation to the hour when she should present herself to him as a bride of a month's standing. She consented therefore, not merely with readiness, but alacrity, to preserve the wedding a strict secret; and in that fatal consent paved the way for her own ruin and untimely end. We will speak the remainder of the mournful story in a word. The overtures from the patron were renewed, and were accompanied by the smiles of his daughter. Falconer looked upon Jessie with anger, perhaps with abhorrence,—she stood in the way of his fortune. The old love smiled again, and forgetting that now the smile came too late, he yielded to the intoxication of his original passion, threw himself at her feet, and became, even with her father's consent, an accepted lover. The state of his mind can be now better imagined than described; love, avarice, and ambition together, as well as a consciousness that he had involved himself beyond all retreat, urged him to persevere in a suit both dishonourable and criminal; and Jessie was now

thought of only to be hated. Months passed by, and the jest of the frolic was over; yet the marriage was not divulged; the young bride begged to disclose the secret, and every entreaty filled him with new alarm and anger; until the accidental death of the regimental chaplain by whom they had been united, and the previous decease of the only witnesses to the ceremony, put him upon a scheme for relieving himself from his bonds worthy rather of a fiend than a human being. His witnesses were two soldiers of his company, whom he had bribed to silence so liberally, that they quarrelled together in their cups, and fought, and that with such fury, that one was killed on the spot, and the other died before he could be brought to a trial. The chaplain was drowned five months after in attempting to cross a flooded river. There remained therefore no witness of the union, and the only testimony remaining, to wit, the certificate signed by the unfortunate chaplain, was already in Falconer's hands. Opportunity—the devil that seduces beyond all other fiends—destroyed every vestige of honour and humanity in his bosom; he fled from his betrayed wife, leaving her to believe that the ceremony of marriage between them had been only a brutal mockery, contrived by a villain for her ruin. He left her to believe this, to madden, and to die; and before she had drawn her last sigh,—nay, upon the morning of that dreadful midnight that saw her expire,—he had yielded to the fate he had encouraged, and taken a second wife to his bosom.

"I lived, I prospered," he cried, when he had brought his dark confession to a close; "and two fair infants sat upon my knee; but their looks were curses to me—their birth was *infamous*; and I myself, though men knew it not, was in the eye of

God and the law, a *felon*!—Now, Hyland, son of the wronged Jessie, I have defended your mother's memory; but I am not less a villain. Expose me to the world, curse me, for I deserve it—yes!” he added, with wildness, and even falling upon his knees before the horror-struck son,—“expose me and curse me, but have pity upon my child,—have mercy upon your sister,—the sister of the brother you slew,—my poor, wretched, dishonoured Harriet.”

“God forgive you, sir,” said Hyland, with tears. “Leave me—I cannot call you *father*: but I will not disgrace your daughter. No, I will not—but my mother—And she *was* my mother then?—my mother's name must rest no longer in infamy. Go, sir; I forgive you—that is, I will not upbraid you; but I cannot, I cannot call you father. I am innocent of Henry's—of my brother's death—Yes, I will call him brother, for surely *he* never wronged my poor mother. Take this much comfort—*my* hand never fired the pistol that killed him; and, whether I live or die, it will soon be seen that I am innocent of his blood.”

“God grant it,” said Colonel Falconer, but with an accent showing how vaguely the thought of Henry now sat on his bosom. “God grant it—but—hark! what is that? They cry again! It is the descent of the jury! Oh Heaven, I am punished indeed for that act of baseness! Farewell, my son: I do not ask you for forgiveness—but touch my hand, grasp my hand but once”—

“I cannot,” said Hyland, recoiling with such horror, that the unhappy father bowed his head with shame. He then snatched up the light, unconscious of what he did, and moved towards the door, as if to depart; but a louder cry from the street striking his ear, he again turned round, and looked Hyland in the face.

"They are calling for your blood," he said, "but they do not know you killed your brother!—What! not touch my hand? Well, it is but justice.—I will not trouble you more."

With these words, he turned to depart, still holding the lamp; but had scarce moved his foot, before there was heard, at a little distance without, the sound, as it seemed, of a rifle, or other small arms.

"Oh Heaven! my father!" cried Hyland, starting up, with a voice that thrilled Elsie to the brain,— "I have killed my father!"

The lamp fell from Colonel Falconer's hands, and all was in darkness. As Hyland rushed to where he had stood, his foot struck against a prostrate body; and reaching down, he found his hand slipping in a puddle of warm blood.

"Elsie! Elsie!" cried the distracted youth, "a light for God's sake! It was meant for *me*, but it has struck my father! Why did I forget? Oh, I thought not of my folly.—Help me, Elsie—he groans."

"Enough,—let me lie where I am," said Falconer, with a voice almost inaudible. "There is retribution for all."

"Call the jailer!—Quick, jailer, quick!" cried Hyland, as the door opened, disclosing the broad and wondering visage of Hanschen: "help me to place him upon the bed; and then, oh for God's sake, quick for a surgeon!"

But Hanschen answered only by slapping to the door, without uttering a word; and making his way as fast as he could towards the cell of Sterling, in which was, at that moment, presented a scene of not less fearful character than that which had passed before Hyland's eyes.

CHAPTER XIX.

Let me sit heavy on thy soul to-morrow.

KING RICHARD III.

IT was not until long after noon of the day of trial that Affidavy woke from the stupefaction into which he was plunged by the cup he had so craftily qualified; and then it was some time before he could summon his recollection, and conceive where he was. He found himself in a cell obviously of the prison; for the single window that lighted it was strongly grated, and the door fast bolted on the outside. There was a bed hard by, in which, as was apparent from its condition, some one had passed the night; but who that might have been he knew not, no one being now visible. As for himself, he found that his couch had been nothing better than the hard floor; and close by where he lay, he discovered a pool of coagulated blood. He was seized with alarm, and finding the door refuse all egress, he ran to the window, and beheld in the yard which it overlooked, a sight that, besides filling him with new terror, conveyed an inkling to his mind of his true situation and its cause. This was nothing less than the dead bodies of two men, lying stiff and gory upon a bench, without even a cloth to conceal them from the light of day.

“Botheration, and God bless my soul!” he cried, “I’m a ruined man!”

"Done up,—as clean as a skinned eel," said a voice at his back; and, looking round, he beheld his friend, the jailer, enter the cell, with a grim smile on his visage, which was not much improved in beauty by a red handkerchief, that swathed it round from jaw to top-knot. "Done up, Teffy, my boy, as slick as a new bolt. Who'll you have for your counsel?—or do you think of pleading your own cause? Ods bobs, you can make a good speech;—I always said that for you."

"Counsel!—cause!—speech!" echoed the man of law;—"God bless our two souls!"

"Amen,—or e'er a one of 'em," said Lingo, with solemn utterance; "for I'm thinking it will go hard with one of us. Howsoever, I'm glad to see you in your senses. Sorry you had so hard a bed of it; but howsoever, when they hang your client up there, I'll give you better quarters. I reckon, it will be imprisonment for life with you; though some says, they are to try you on the capital charge of aiding and 'betting with the tories, which is clean hanging treason."

"God bless our two souls!" said Affidavy, with an air of wo and terror so irresistibly ludicrous, that Lingo, perceiving his utterance failed to supply any further expressions, burst into a loud laugh, and threw himself on the vacant bed, where he rolled over and over, giving way to mirth and triumph together.

"Blarney and ods bobs!" he cried, after he had amused himself awhile in this fashion; "and so you thought to come the humbug over *me*, old Teff! Ha, ha, ha! I always said you could make a good speech, and so you can; but as to pulling straws with Bob Lingo, why I never said no such thing, for I won't lie for no man. How did you like the cock-tail, with the cherry-bounce and doc-

tor's stuff' in it? Ods bobs, did you think I could go any such liquor as that? But now you see what you've come to,—clean done up, broke, smashed, pounded into hominy, and cribbed under lock and key. So much for not playing fair, and making honest snacks of the plunder! Where's them seventeen guineas in goold? and the note for two thousand more? Oh, you old ox-fly! would you have sucked the poor young feller's blood?"

At the mention of these valuables, Affidavy, who stood mute with surprise and dismay, clapped his hands into his pockets, first into one and then the other, and groaned to find them empty. " You've robbed me, Bob Lingo!" he said.

" As clean as ever I curried a horse," said the jailer, betaking himself to his own pockets, and displaying both the money and the treacherous note, the latter of which he moved before Affidavy's eyes with peculiar glee, saying,

" Here's evidence that'll be a smasher; and then the bottle of laudanum! Oh, you old Teff," he cried, shaking his fist, but more in exultation than anger, " when you mean to p'ison any of your friends, don't you go for to get the p'ison the same day; lay it up a month before-hand. Ods bobs, if you wasn't as poor as a rat, I'd have an action ag'in you on my own account, for an attempt to murder. But, ods bobs, I do think now you look like a singed cat,—I do, Affidavy!"

Here he burst into another roar, having indulged which, he rose, and satisfied with the terror he had inflicted, proceeded very coolly to inform the discomfited prisoner that his case was not so bad as he thought; that he had not 'blowed him' yet; and that he didn't know whether he would, for he was a merciful man in his way. " I smoked you, Affidavy," said he, " as soon as I heard you talk

of *your* client, and saw you show that 'ere guinea, —'specially when you fell so much in love with me of a sudden, and with the jail here. I sent Hans after you, and he saw you ride out on the prisoner's horse; and, ods bobs, I thought of sending some so'diers to dog after you; but they was all out in the bushes already. Then I went to the doctor's shop, to get some laudanum for an aching tooth, and said he, 'Vy there's Affidavy has peen pying laudanum for an aching tooth, too!'—Oho! said I; and then, old boy, I was ready for you. And you see the end! while you was lying snorting here like a corn-fed pig, we was knocking the tories on the head at the yard-gate. And then we had the coroner on 'em, and you no wiser; and the magistrates and all the town inquiring into the fuss, and you no wiser; and there, indeed, there's your client, poor fellow, they're trying in court as hard as they can, the evidence all over, the speeches half done, and still, Affidavy, my boy, you no wiser. Ha, ha! I do think you look like an apple-dumpling that's tumbled out of the pot, and staring up out of the ashes!"

"Well, Bob," said Affidavy, with an attempt at a laugh, that ended in a groan, "I knock under to you: you've beat me hollow. But now, if you please, and with many thanks to you for not blabbing, I'll take that wallet, and the guineas; and as for the silver, why I don't care if you keep it."

"No, I reckon not," said Lingo, with a grin. "But, I'm thinking, you'll just take the silver yourself, and be thankful I let you off so easy. What, man, do you suppose I'll run the risk of defending you from a prosecution—a criminal prosecution, d'ye see—by holding my tongue, for nothing? Don't go to be such a fool."

"Well then," said Theophilus, with a groan, "do as you like, and let me out."

"Not so fast, neither," said Lingo; and then added, with a nod of the head, "I reckon there's more of the shiners where these come from?"

"Well," said Affidavy, "what then?"

"Why then," said Lingo, "I don't care if I run a risk with you, and go snacks."

"Will you?" said Aflidavy. "Then, ehem, humph!—You know what I mean; and there's a thousand a-piece on that note!"

"The ready, old boy, the ready! hang all your paper promises; I go for the ready."

"Well then, let me out, and I'll state the case to one we know of. But, I fear, the ready's not to be had—We'll take a second note of the prisoner."

"Ods bobs! are you there with your notes still? Now if you come to that, I reckon I can do all that without assistance, and no snacks neither. And so good by to you."

With that the jailer, giving the attorney another nod, flung out of the cell, taking good care, however, to lock the door behind him; leaving Affidavy to suspect, as he did, that Lingo was resolved to manage the case, and reap the harvest, on his own account.

"Oh the villain!" sighed the disconsolate attorney. "But I'll be even with him yet. Let me see —hum—good! the rascal is already implicated, having concealed my—faugh! So he will not dare to accuse me now. Well, I'll see through it by and by. That cursed laudanum! I do think it has turned my brain into a dough-cake—Very well—Was there ever such an ass!—That I should let such a jolterhead get the upper hand of me!—I wonder what's the matter with my ribs!—Nothing

to drink!—no, botheration, nor to eat, neither.—Very well, Bob Lingo; I'll remember you."

He then sought to relieve the perplexity of his mind by walking about; but the excessive and unnatural debauch had bereft him of strength, so that he was soon compelled to sit down upon the bed, where he found the stupor, which had not yet entirely deserted his faculties, returning and growing upon him, in spite of all his efforts to resist it. In a word, he became again very drowsy, and fearing lest some additional evil should befall him if caught again napping, he rose up and looked from the window, to divert his mind from its lethargy. He saw, from the ruddy hue of the sunshine on the neighbouring roofs, and the golden tinge of the floating clouds, that the day was already declining; by which he perceived how long he had already slept, and wondered that, after such a siege of slumber, he should so soon feel any inclination to sleep again. But, while he wondered, he found the clouds and house-tops blending their outlines together on his vision, while the hum of the village grew confused in his ear. He stalked about again, then again sat down on the bed; when, fearing lest that should seduce him into slumber, and being incapable of remaining longer upon his feet, he betook himself to a corner, where he sat down on the floor, pursuing his meditations; and there, after much nodding, musing, and scratching of head, he fell, in spite of all efforts to the contrary, fast asleep.

He slept long and soundly; and the shadows of night had been long gathered over the earth, before certain sounds in the narrow apartment, mingling with his dreams, imparted to them the horrors of nightmare, and then suddenly dispelled

them. He was awakened by a human groan, hollow and sepulchral, but so loud that he deemed it was breathed just at his ear; and looking up, he beheld a spectacle that caused his hair to bristle with terror. It was, as he perceived, dark night; but a lamp, standing upon a little table near the bed, poured a dim and ghastly light over the cell, sufficient to reveal the few objects it contained. Upon the bed sat a tall man, in his night-gear, with a visage of death-like hue, and eyes staring out of his head, which he rolled now to the right hand and now to the left, as if gazing upon objects invisible to the attorney; although Affidavy was accustomed to declare afterwards, when good cheer made him communicative, that he distinctly saw at the right hand of the sick man, and not fifteen feet from himself, a figure as of a man swathed in a bloody sheet, that stood gazing the other in the face, and gradually melted into the obscurity, as he himself surveyed it more intently. Be that as it may, there was enough of the ghostly and terrific in the appearance and expressions of the sick man, to keep the attorney cowering with fear in his corner, without any addition of horrors from the world of spirits; and accordingly, Affidavy sat looking on and listening, without the power to move, or even to rise.

The sick man continued to roll his eyes, occasionally uttering deep groans, and now and then muttering expressions that showed the horror of his mind, without, at first, clearly disclosing the cause.

"Ay, wave your hand," he heard him say, as if addressing some phantom revealed only to his own senses; "wave your hand, and point to the bloody throat: it was well aimed, boy, well aimed, and it

was well done. I care not for *you*: it is the other that moves me; for him I killed with a lie, and there he sits smiling! His face is black and swollen, yet he smiles; his arms are bound behind, yet he smiles; a rope is round his neck, yet he smiles.—Ay, smile, boy, smile! that smile is heavier on my heart than the frown of the soldier!—A smile! men would call that poor revenge; but we, boy, ha, ha! we know better!"

He then fell back upon the bed, and lay for a moment quiet; so that Affidavy had leisure to recall his spirits, and penetrate the mystery, which had at first so deeply appalled him. His first thought was, that he was enclosed with some wounded refugee, captured in the toils to which he himself had unwittingly brought him; but remembering presently that he had seen two bodies stretched in the yard below, and had good reason, from Lingo's expressions, to believe the third man had made his escape, he perceived that this must be some prisoner of an earlier date; and he knew that, the night before, there were but three in Lingo's charge. With the person of the unfortunate Hyland he was already well acquainted, and Dancy Parkins was, it might be said, his old acquaintance. His thoughts reverted immediately to Sterling, whom he had never seen; and he remembered, at the same time, that Lingo had hinted to him the ease with which he might weaken this man's testimony, if that were desirable, by convicting him of insanity. "Oho, the dog, Lingo!" said he to himself; "he has shut me up with a madman then? Now, if he should be dangerous, God bless our two souls!—Ha! there, he's rising again! God bless our two souls!"

"They are gone then?" muttered the wretch,

in whose sunken features, hollow voice, and altered spirit, one would with difficulty have recognised the humorous, bold, and reckless adventurer; “they are gone; but it will not be long. Hah!” he added, fixing his eye, with a fearful stare, upon the vacant wall, “you come again, and frowning! Yet I fear not: other men have shed blood, and lived happy. It is not for you, but for the other—him that lies across my feet smiling! Hah, what!” he screamed, rather than said, as his eye, wandering towards the foot of the bed, suddenly fell upon the figure of Affidavy, in his corner, now cowering low with terror, “are there *three?* Devil! you lie!” he exclaimed, leaping out of bed, “there were but two—him that I shot, and him that I killed with false witness. Ha, ha, ha! these are juggling fiends! devils of legerdemain! that make a man worse than he is! You look me in the face—Well! I look back:—do you think to fright me? Look at me then, and say, if you dare, that *I* hurt you!”

And with these words, he advanced towards Affidavy, who now perceived that his right arm was swathed in bandages across his breast, as if maimed by some injury. But his left hand he brandished with menacing gesticulation, and his countenance was covered with a ghastly frown; so that Affidavy feared nothing less than that he should be immediately torn to pieces. From this apprehension, which deprived him of the power of raising a finger in self-defence, he was relieved by the sudden appearance of the jailer, who, entering the cell with an oath, seized upon the madman, and shook him with violence, until he groaned with pain, suffering himself to be pushed back upon the bed.

"I'll have the law of you, Bob Lingo!" said the attorney, starting up from an ecstasy of fear to lanch into a tumult of rage; "I'll have the law of you, you villain! and what's more, I'll chouse you out of your fees and bribes,—your cheating and tampering with the prisoner, Hyland Gilbert: he's an innocent man, you rascal, and you know it! and here's this man Sterling has avowed the murder himself."

"Ods bobs!" said Lingo, "what do you mean?"

"I mean what I say," cried Affidavy, whom rage, the desire of requiting upon Lingo some of the disappointments he had himself endured, and a sudden prospect that seemed to open on him of retrieving his lost fortune, had restored to the possession of his faculties. "I mean, that my client, Hyland Gilbert, whom you cheated out of my services, is an innocent man; and that there lies the true criminal. He has confessed the whole matter; murder and perjury—murder and perjury, you villain! do you hear that? and I'll make him depose the particulars, you cheating, covetous, conniving rapscallion! and so chouse you out of all your expected fees, you rascal! botheration, I will!—Harkee, you Sterling!" he said, now advancing boldly towards the object of his late fears, "you've blabbed all, and so you may as well confess at once. I overheard all you said; and my testimony will settle the matter; so, for the good of your soul, confess. You're a dying man; the devil's as good as got you already—you'll not last a day longer; so confess, confess, and don't damn yourself for ever, by hanging an innocent man. What! do you pretend to deny it?" he continued, adopting a course of persuasion

founded on what he had witnessed of the prisoner's hallucinations—"do you see that young man there, with the bloody throat, frowning? Look—I know him well—it is young Harry Falconer!"

"Ay," said Sterling, rolling his eyes to the wall; "but where is the other?"

"Why, they are hanging him; and all because you swore falsely against him."

"Is he alive yet?" muttered Sterling; "I thought he was dead. Send me a priest, and I'll confess."

"A priest! A magistrate, you mean."

"It is all one—I am a dying man; there is something wrong here,—*here*," he murmured, striking his forehead. "I will do reparation—ask me what you will; but drive Henry Falconer out of the room; ay, and take that young Hawk off my feet—he chills them to the marrow."

"It was *your* pistol killed Henry Falconer?" cried the lawyer.

"Ay; I shot him over Gilbert's shoulder. I fired at both; either would have served me. But who was the *third* one? Old Falconer did not die!"

"A justice of the peace, Lingo! do you hear?" said Affidavy, grinning with triumph. "I reckon I'll sort you, you covetous, cheating dog!"

"Come, squire, don't be mad," whispered the jailer, with two or three significant winks: "We'll go snacks yet."

"What, you rascal, do you think to bribe me to keep silence? Oho! you cormorant, I've got the play now in my own hands; and we *won't* go snacks: I work on my own foundation. You've heard the man's words here; deny them if you can. Send for a squire, or refuse at your peril: I'll bawl out the window, and raise the town."

"There's no need of being contractious," said Lingo, coolly. "I sent Hanschen for old Squire Leger an hour ago; for I reckon I was a leetle before you! The man asked for him of his own accord, while you was a snoozing in the corner; for it's a gone case with him, and he knows it."

The lawyer was petrified at this announcement; it was a new and mortal disappointment; for he designed to make profitable use to himself of his discovery; and to complete his confusion, the door was opened at that moment, and Hanschen entered, ushering in the worthy Schlachtenschlager, whom he had lighted upon by accident, after searching in vain for the other magistrate, after whom he had been sent an hour before. The attorney groaned; with one hand he grasped the Squire's extended palm, and the other he shook in the face of Lingo, who grinned, and winked, and nodded at him, with the most provoking good-humour. But Affidavy was not a man to be disheartened even in such an extremity; he no longer dreaded an exposure of his extra-professional services on the prisoner's behalf; and he perceived that there was still a field, although a narrow one, on which to display his zeal. Trusting therefore to his skill to make his client sensible of the full merit of his labour, he addressed himself to the task of shriving the discovered felon, with a tact and sagacity that were soon perceived to be as useful as they were really indispensable.

It was found that Sterling was in a very critical state, his bodily powers being completely wrecked, and his mind so much unhinged that he could scarce answer two consecutive questions without wandering. The causes that had brought him to this condition it was not easy to imagine, unless

by supposing he had received some fatal internal injury during his struggle with Oran Gilbert; or by referring all at once to the horror of mind with which, it seemed, he had been affected from the moment he felt himself a homicide. A homicide he was, as was soon made apparent; for being led on and assisted by the questions of Affidavy, he confessed, without any reluctance or attempt at equivocation, that he had sworn falsely in regard to the exchange of pistols betwixt himself and Hyland, such exchange never having taken place; and that he, and no other, had shot the pistol that killed young Falconer. The reasons for this act were but imperfectly developed; and the strongest seemed to be a bitter hatred he had conceived against the deceased, in consequence of an indignity offered him long since in the theatre, from which he had been hissed, chiefly through Falconer's instrumentality. Such a cause for vengeance may be understood by those who remember the rivers of blood poured out at Lyons, ten years after, to satiate the rankling fury of a Collot d'Herbois. It will be remembered in what manner he volunteered, while in the swamp with Oran Gilbert, to take the life of this unlucky youth; as well as the attempt he made upon it the following night, in the park, when he discovered him struggling with Hyland. It appeared, besides, that after having rendered himself into the hands of the pursuers, and confessed his true name and character, the reckless lieutenant pursued him with divers jests and jeers, which were the more intolerable that his quarrel with the Gilberts had left his mind in a state of furious passion; and an additional incentive was offered by the scuffle between the two rivals, in which any execution of vengeance

would be so readily imputed to accident, if traced to him at all. He succeeded beyond his expectations; the object of his hatred lay a corpse before him—but from that moment Sterling was another and a changed man. His mind was filled with horror—not remorse, for to the last he testified nothing like penitence—but with a nameless and oppressive dread, which was increased tenfold by the reflection that this act had, or would in the end, deprive a second fellow being of life, that second being the unfortunate youth whom an extraordinary accident had imbued with a belief that he was himself the murderer. Hence the singular turn of his testimony, and his attempt to throw a doubt upon the prisoner's guilt; until the sudden discovery of the damaged pistol struck him with a fear, until then unfelt, for his own safety. He dreaded lest his own weapons, which had been taken from him immediately after the catastrophe, and from which, in the agitation of his spirits, he had forgotten to remove the evidences of guilt, should be examined, and thus suspicion diverted upon himself. To prevent this, he invented the falsehood concerning the exchange, and thus screened himself from suspicion, at the expense of a second act of murder. But from that moment his horror became insupportable; and after struggling with it in vain, and becoming persuaded that his own fate was drawing nigh, he summoned Lingo, made a deliberate confession of his villainy, and desired that his deposition might be taken, before his madness, of whose approaches he seemed conscious, should render reparation impossible.

It was now taken, and with difficulty, but it was conclusive; and so intent became all present upon the strange and impressive story, and, after it was

concluded, so eager were all to confirm it by inducing repetitions of the most important circumstances, that even the sudden sound of fire-arms on the square, followed by the outcries in Hyland's cell, were unheard and unnoticed, until Hanschen suddenly rushed among them, with the intelligence, as he expressed it, 'that there fas murdter going on in the Hawk's room.'

All started up, leaving Sterling to rave, perhaps to die, alone, and made their way to the prisoner's apartment, where Colonel Falconer was found weltering in blood in the arms of Elsie and his son, a rifle-bullet having penetrated his side, and lodged in the body; and it was soon gathered, from the remorseful expressions of Hyland, that it had been shot by a refugee—the last act of friendship that could be rendered to a helpless and hopeless comrade.

"It was shot by Oran Gilbert," said Elsie Bell, "for there is none left but him! Yes, Richard Falconer, I said it would come sooner or later! It is well for you, too,—you will not see the death of your son's murderer!"

"He is innocent!" said Affidavy, snatching at his client's hand. "Botheration, my boy, we've found the true murderer! He has confessed, and you are an innocent man. The pistol was shot by Sterling! We'll clear you, or secure a free pardon."

"By Sterling!" murmured Colonel Falconer. "Then, oh heaven! then is my son guiltless of his brother's blood!"

"I am, father, I am!" said Hyland; "but, wretch that I am, my madness and folly have killed my father!"

"I die content.—I will do you justice, my son—

I am not so faint as before—They shall carry me to—to—I forget—it is no matter—Well, well”—

With these words he fell into a swoon, in which he was at first esteemed dead; but a surgeon having been sent for, and now entering the cell, he declared, upon a hasty inspection of the wound, that it was by no means mortal, and that there was every reason to prognosticate a speedy recovery. The sufferer was then carried to the inn, and put to bed; but with no such assurances of life as had been pronounced in the prison. A consultation was called, the result of which was a more rational declaration, that his days were already numbered.

CHAPTER XX.

Farewell ye dungeons dark and strong,
The wretch's destiny;
M'Pherson's time will not be long
On yonder gallows-tree.

M'PHERSON'S FAREWELL.

THE singular discovery of Hyland's innocence was long before morning bruited over the village, and besides exciting a double interest in his fate, produced no little curiosity in regard to the movements of the jury, who were still deliberating over the charge, as well as to the course to be pursued by the court, in such a strange conjuncture of circumstances.

Expectation was not, however, kept long at stretch. An early and formal representation of the discovery being made by the prisoner's counsel to the presiding judge, the court was straightway convened, and the jury ordered to be recalled, for the purpose of receiving the new testimony. This, consisting of Sterling's deposition and the evidence of witnesses as to its authenticity, it may be supposed, was sufficient to terminate their deliberations in a moment. Had the confession been made at a later period, it would undoubtedly have saved the prisoner's life; but it occurred at a time to save his good name,—to save it, at least, from the reproach, which, however undeserved, must ever follow upon even unjust conviction. His true story and character, and, in fact, his real parent-

age, were now becoming generally known; new friends, as well as many an old one, were labouring in his service, and all were desirous to see the end of a prosecution, that had caused him so much unmerited suffering. The trial was therefore despatched without difficulty; the evidence was given; a few brief and impressive words, indicative of their gratification at the defendant's happy escape from his difficulties, and their own from a share in wrong-doing, were pronounced by the bench; after which the whole matter was submitted to the jury, who, without leaving their seats, immediately returned a verdict of acquittal. The defendant was then discharged, in the ordinary way, by proclamation, and shed tears of genuine transport to find himself released from the ignominy that had before, as strongly almost as his remorse, crushed him to the earth. He had scarce stepped from the bar before he found himself in the arms of Captain Loring, who hugged and blubbered, and swore 'adzooks, he always thought him an honest fellow, for all of their talking; and adzooks, it was no wonder he loved him, since he was of his own blood and bone, though he didn't like his having so much Gilbert blood in him; and if he had only told him as much before, it would have been much better for him, and, adzooks, for his poor Kate, and, adzooks, for the picture!'

At the bed-side of the dying Falconer he found his father's daughter. His sister!—With what strange and contradictory emotions he received the hand of the being, to whose unhappy hostility he owed the long series of sufferings and indignities that had brought him almost to the grave. And she,—with what feelings she must have herself seen in the object of her greatest hate, one to

whom nature had given the strongest claims on her love. But the place in which they met called for other than selfish emotions: it was at the death-bed of their common parent.

It is not our design to pursue further in detail the history of this unfortunate man. The bullet of Oran Gilbert (for it was now known that the shot could have been fired by no other, all the members of his band having been either killed or captured,) had been well aimed, though he who fired it deemed it was speeded against the breast of his own brother. The better victim lingered but a few days, and then expired; so that the same grave which received his unlucky son closed over the guilt and sorrow of the parent. He lived long enough to remove the veil of shame from the sepulchre of the betrayed wife, and to do her reparation in the person of her son; but it was, as he had before declared, at the expense of his daughter. She never more lifted up her head. A sense of her parent's baseness, and the disgrace now attached to her own origin, with perhaps the bitter consciousness that her cruel design upon the happiness of her friend had caused the ruin that surrounded her, weighed her to the earth; and two years after her father's death, she was herself borne to the grave, the last victim of the retribution which so often visits the sins of the father upon the heads of his children.

It remains but to reveal the fate of two other prominent persons in the story, before exchanging the gloom pervading the last act of the tragedy, for the sunshine that should mark the close.

The prisoner Sterling, notwithstanding his own expectations of a speedy dissolution, lingered a full month before he expired; and in all that time displayed the workings of the hallucination which had

been the consequence of his crime. He saw before him continually—for day and night were now alike to him—the ghastly figure of young Falconer, frowning at his bed-side; and frequently the phantom of the elder brother was added, in imagination, to the terrors of the other. He died in this fearful frame of mind; and thus carried to the after-tribunal the guilt which escaped the punishment of man.

The fate of Oran Gilbert remained for many months wrapped in obscurity. He must have fired the shot that struck a bosom he had so often coveted to pierce, from the open square behind the prison; yet he effected his escape from the village without pursuit and almost without observation, the discharge of the rifle having excited but little notice at a moment when all the crowded throngs in the streets were rushing towards the court. The alarm, however, being soon given, many men armed themselves and started in pursuit, though without any knowledge of the direction in which he had fled, and, indeed, without at first being aware whom they followed. The first traces of him were discovered in the Hollow, at Elsie Bell's cottage, which it seems he had entered before day, and there rested for awhile, to the great terror of the little negro girl Margery, who was at that time the only inmate of the hovel, and to whom he appeared little short of a demon, his countenance being wild and dreadful, and his words and actions, at least in her opinion, distracted. It was from the circumstances developed here, that the pursuers found they were upon the track of Oran Gilbert himself, now deprived of all followers, and flying with the dreadful persuasion at his spirit, that his hand had slain the last of his father's children.

It appeared from little Margery's account, that,

after wildly searching the house over, he asked for Elsie, and being told she was in the village, sat down upon a chair, whence the girl soon saw blood fall upon the floor; and, in fact, upon examination, it was found that a considerable quantity of gore still lay by the chair on which he had rested. He then called for water, and a napkin, the latter of which he put upon his right side, securing it under a leathern belt; after which he drank freely of the water, and going into Elsie's private apartment, he took from the wall a little sampler, a relic, as it appeared, of his deceased sister, tore it to pieces, and scattered it over the floor. He then proceeded to the chamber so long inhabited by Hyland, where finding many little sketches, and other neglected scraps, he destroyed them in like manner. After this, he descended to the room below, took up his gun, which he charged with great care, and hunted about until he had found a strong and sharp-pointed knife, which he stuck in his belt; and then, drinking again from the pitcher, he left the hovel, without uttering a single word, and Margery heard him ride away, apparently towards the mountain.

This was enough for the pursuers, whose numbers had been increased by volunteers along the way; and they instantly resumed the road, though with no great hope of coming up with the fugitive, who had foiled them so many times already. They knew, however, that the land was full of parties still in search of him, none of which had perhaps been so close upon his track as themselves. They were also inspired by a discovery that was made when they came to examine the marks of his horse's feet in the moist earth bordering the runlet in the oak-yard, and this was, that the animal had cast a shoe; for which reason, they supposed, the

rider would be soon compelled to abandon him, and seek shelter in some fast place among the woods, where he might be surrounded, and perhaps taken alive. They rode on therefore with new spirit, and coming at an early hour in the morning upon the river bank, led by the tracks of his horse, which did not seem once to have left the road, they despaired him, or at least a horseman they supposed to be him, riding along the bluff, at a slow gait, indicative of the daring or recklessness of his character.

He rode a black horse, apparently of great native strength and spirit; but, it was now obvious, the animal had been of late taxed severely, and beyond his powers; for which reason, it was not doubted, the fugitive could be overtaken, before he reached the mountain, which was still distant three or four miles. The party proclaimed their discovery and their hopes, by setting up a great shout. At this, to their surprise, the refugee checked his wearied steed, and turned round, as if for the purpose of making battle,—a display of audacity and resolution that went far to cool the ardour of many who had been, a moment before, the bravest of the whole party. They saw him fling the rifle he carried into the hollow of his left arm, and then, with his right hand, remove from his visage the long locks of black hair that had, a moment before, swung wildly in the wind; and they fancied they beheld, even at the distance which separated them from him, a smile writhing over his pallid features, like that of the panther at bay.

“Well done, old Oran the ‘Awk!’” cried one of the party, taking a long rifle from his shoulder, and advancing to the head of the others, who had come to an universal halt. He was a man of middle age, with a face as bleak and weather-worn as

the rocks at the river's edge, tall and gaunt of frame, but sinewy, and of a certain bully-like look about the fists and eyes, that showed him to be no inconsiderable man in his degree. "Well done, old Oran the 'Awk!" he cried; "I up'old you to be game, chock-full; and so, if you're for a pull ag'in' current, why, I'm clear for showing fair play. So men, just 'old by, like honest fellers; and, my logs 'gin' his, I'll show him what long shots is; for he and me was good friends of old."

"Go it, Dan Potts, the raftsman!" cried several of his companions, handling their own arms, as if to try their virtues at a distance, while others cried out, to advance in a body without further delay, but set no example themselves, the appearance of the outlaw being uninviting to all save the bold raftsman, who continued to move onwards, though slowly and cautiously, as if well aware of the danger of a personal contest with one who had been, as he said, his good friend in old times. But the refugee, without regarding the challenge of the raftsman, took advantage of the hesitation of his companions to change his own plans, and by suddenly turning his horse and spurring off with unexpected speed, he gained a considerable space before they could recover from their surprise and follow. They darted after him, however, with what activity they could; and cheering one another with their voices, they rode on at such a pace that, in a few moments, the whole party was sweeping betwixt the yawning jaws of the Gap, up the course of which he directed his flight.

The mountain is here perhaps two thousand feet or more, in elevation. Its course is oblique to the river, which itself is bent and twisted out of its path by the irregular protrusion and retrogression of cliffs and promontories. The right bank of the

river, looking to the east, is fenced by a dizzy and inaccessible wall of crags; while the mountain on the other side, presenting a similar wall to the south, dips down, westward, to the water in an angle more practicable to human daring, though the whole declivity is covered over with loose rocks, the remnants of some stony avalanche, tumbled from pinnacles above by the same convulsion that thrust the mountain from the bowels of the earth, or shivered it, already uprisen, asunder. A few withered hemlocks are here and there seen springing from between these disjointed fragments, which are, in other places, veiled by patches of flowering-raspberry, alder, and other shrubs; though, in general, the eye reposes on rocks entirely bald and naked, or, at best, tufted with mosses, lichens, and ferns. It presents a scene of dreary sterility and gloom; but its savage wildness can be only appreciated by those who clamber up to its summit over those loose and ever-precarious rocks, which afford the only footing.

Into the gorge bounded by these frowning limits the refugee was seen to urge his steed; when suddenly, to the amazement of the pursuers, he turned from the road, dashed through a wall of rosebays that hedged it in, and the next moment plunged into the river, swimming his horse right towards the opposite mountain. The cause of this extraordinary step was soon perceived; for the next instant a troop of horse in the continental uniform, came dashing down the Gap, uttering a wild hurrah, that made the rocks ring. It was one of the many parties of military by whom all the passes of the county were guarded; and it seemed the fugitive had rushed almost amongst them, before he discovered their presence. Nothing remained for

him, thus checked in front, and retreat cut off behind, but to fling himself into the river, and seek refuge among the dens of the eastern mountain; and this he attempted, though the chances were ten to one that he should be shot from his horse, before he reached the opposite bank. In fact, he had scarce swum beyond the middle of the stream, before the two parties rushed to the water's edge and let fly a volley, which, had it not been fired almost altogether from pistols, must have brought his flight to a bloody close. The water was seen bubbling around him, as the bullets pattered like rain-drops over its surface; but he still swam on, as if unhurt, and some dozen or more of the boldest riders present spurred their horses into the river to follow.

"Well done, old Oran the 'Awk!'" cried Dan Potts, waving over his head the long rifle he had not thought fit yet to discharge; "it's agin my conscience to shoot an old friend in the back, 'specially when there's no tree to cover him."

"Bang away, Dan Potts," cried others; "shoot, for the honour of the county."

"The county be d——d," said Dan Potts; "I shoots from my own raft." And with that, he raised his weapon, and taking deadly aim right betwixt the refugee's shoulders, drew the trigger. But at that moment, the horse, which had until now breasted his way gallantly through the deep water, flung himself aloft in terror or in agony, and rolling backwards, plunged his rider into the water, so that he escaped the shot entirely, as perhaps the animal did also, though that could never be known with certainty.

"I swog! and may I wreck my next raft on the Foul Rift, if I didn't!" said Dan Potts, "but I hit the 'oss on the 'ead, and cuss the bit of his master!"

Never-some-where, I'll try for a spell ag'in, and the next'll be a right-down rusty!"

With these words he spurred his horse into the river, with which his employment as a raftsman had doubtless made him familiar; for, whether it proceeded from this circumstance, or some other advantage he possessed over the others, he was soon at the head of the swimmers, and leading the pursuit.

In the meanwhile, Oran Gilbert was seen to spring erect on his horse's back; but the animal never raised his head again from the water, and Oran, abandoning him entirely, trusted to his own courage and strength of arm to reach the rocks that were now close at hand. In this attempt he succeeded. He was seen to issue from the water, and aim his rifle, which he still retained, at the advancing Potts.

"Try it ag'in, old 'Awk!" roared Dan, as he saw the imperfect flash expire, without being followed by any explosion; "try it ag'in, old boy; or out knife and be ready!"

The only answer the tory deigned the bravado was, to fling his now unserviceable and burdensome piece into the river, and then rush up the mountain with all his speed. He was soon lost sight of among the rocks and bushes; a piece of good fortune which he owed to a simple expedient. As he clambered up, he took care to spurn from its lodgment every stone that shook under his foot, which rolling down the declivity, became a source of extreme confusion and peril to the pursuers, (as such are indeed yet to the laggards in a mere party of pleasure,) who were thus forced to loiter in the ascent, after having previously lost some time in securing their horses at the bottom of the hill, until there remained little hopes of overtaking

him. The raftsman was the only individual who, in this conjuncture, was able to proceed with any spirit. He pressed upward, dodging the descending rocks with infinite address and agility, and was soon lost sight of; until, finally, even his voice, with which he continued to cheer the others, was no longer heard.

The mountain was, however, climbed at last; but the refugee had vanished. The only practicable path conducts you to the summit of the hill along the edge of the southern precipices; and the last step is from a shelf that overhangs the wooded abyss below, whence, peeping over the brink of the cliffs at their most tremendous height, the eye looks over many a league of blue hill and misty hollow, of living wood and winding river,—a scene whose loveliness is made more impressive by contrast with the savage desolation that reigns around the point of view. A broad table of stone, shelving downwards, and in part overhanging the abyss, lies like a parapet upon the extreme brink of the precipice; and it is from this, lying upon his breast, clinging with foot and hand to its crevices and the stunted bushes that grow upon its surface, and advancing his head beyond the naked verge, that the adventurous spectator looks down into the dizzy gulf below,—if he have indeed the courage to look.

Upon this platform the raftsman was found reposing, his elbows resting upon the parapet stone, and his countenance betraying wonder mingled with perplexity. Upon being asked what had become of the fugitive, he pointed to certain marks of fresh blood that lay on the stones where he stood, hard-by the parapet, which was itself dabbled with blood; and, in addition, the black lichens with which it was overgrown, were torn up, as by

the struggles of some human being sliding down its inclined surface towards the horrible abyss beneath; and a shrub springing from the verge, was snapped off, as if broken by a human hand.

"I once," said the raftsman, "chased a two-year buck off this here very rock; and I reckon, you may see some of his bones among the bushes below. I was hunting with Oran Gilbert; we were boys together; and, I remember, he said, 'It was a brave jump for a hard-pushed beast, and a wise one, too.' Now let any man run his nose over the rock's edge, and tell me what he sees swinging to a bush some fifty or sixty fathoms below; for, to my eyes, it has much the look of a green hunting-shirt, or a big rag of it. There's a stream of blood running up along the rocks, and here's the ending of it. There was some old wound bursting out on him afresh, and, to my thought, the man was not able to run further; and so he remembered the deer, and took a jump;—and I must say, it was a brave fancy of his, and a wise one too."

To this conjecture confirmation was given, when one of the party, having peered over the rock, declared that he saw the flutter of some garment, hanging on a bush many a weary foot below. The stones were hunted over again; a track of blood was plainly distinguished, and had been remarked before, staining the rocks for some distance below; and on this platform it ended. The closest search could not detect any mark to show that the fugitive had proceeded a step further; it was believed at once, that, having reached this spot, and found himself incapable of proceeding further, the pursuers, headed by Potts, pressing him close, he had thrown himself from the rocks, preferring a death in keeping with his savage career, to falling alive into the hands of his foes. There was no other

way to account for his disappearance, the presence of blood on the parapet, and the wave of the garment below; and, indeed, a second, and then a third person, looking down, they swore they could see, among the bushes at the bottom of the cliffs, something that looked like a human form, as they doubted not it was. It was accordingly resolved to descend the mountain without delay, which, after uttering a loud shout of triumph they did, with the single exception of the raftsmen; who, declaring himself overcome with fatigue, sat down upon a stone on the platform to rest, and was soon lost sight of by the others. As the last man left the shelf, he beckoned to him with his hand, nodded his head, and took other means to arrest his attention; but these being disregarded, or perhaps unperceived, he ceased his signals, and muttered half to himself, half aloud,—

“ Well done, Tom Wolf; you’re no fox, and a man must ha’ said, ‘ Fifty guineas! ’ aloud, to fetch you. But I was a fool to think on’t; no ‘alves and no quarters, is my cry; and a man mought as well take the money and the credit into his own hands, without sharing; for, I reckon, the creature’s clean done up, and can make no more fight than a ‘possum. Neversomever, there’s no varmint of the woods or water can stand by him for a trick; and so we’ll look sharp, Dan Potts, and see what’ll come out of it. I reckon I shall make them ’ere fellers stare! They say, the governor has offered five hundred dollars for him, hard money, dead or alive. Five hundred dollars isn’t to be made, every day, a-rafting. There’s a big hole under that stone; and, I remember, he boasted he had been down in it afore; which was like enough, for he was always a ventur’ing devil.”

It may be gathered from these expressions what cause had prevented the raftsmen leaving the shelf with his companions. Immediately beneath the projecting portion of the table-rock, so often mentioned, there is a cavity or niche in the face of the cliff, visible, on a clear day, even from the foot of the mountain, and inaccessible from the top only because there are few men in the world of sufficient nerve to attempt reaching it, by climbing over the face of the cliff,—an exploit the very thought of which is appalling. It occurred to the ancient comrade of the refugee, that the latter, persuaded he must be captured, unless he could throw his pursuers off the scent, or delay the chase for a time, might have bethought him of the stratagem of causing them to believe he had thrown himself from the rocks, while, all the time, he was lying snugly and safely in the cavity beneath the shelving rock, from which he might be expected to sally out, the moment the pursuers had descended. This was rather a conceit in the raftsmen's mind than a positive suspicion; but it was sufficient to impel him upon a new course of action, a main incentive to which was the prospect it seemed to open to him of securing the rewards that had been offered for the apprehension of the noted outlaw.

He sat down therefore upon a stone opposite to the parapet, and scarce twenty feet from it, holding his rifle ready cocked upon his knee, his knife loosened in the sheath, and his little hunting-axe lying at his feet; and he sat thus without fear, knowing that, even if the refugee were armed and in the pride of his strength and daring, he could not ascend to the shelf, without being entirely at his mercy. He sat in silence, expecting each moment to see the fierce eyes of the outcast peering over the rock, or to hear the rattling of stones

along the face of the cliff, denoting that he had left his hiding-place, and was beginning to ascend. He sat watching, however, a long time in vain;—and was beginning to believe that his suspicion was groundless, and that the desperate Oran had in truth leaped from the cliff, when suddenly there rose beyond the verge of the rock the apparition of a human head, but so spectral, so pale, so ghastly with blood, and so wildly unnatural of expression, that he was seized with a sudden fear, and beheld the whole body succeed it, and the refugee himself (for it was he) stand erect upon the parapet, before he could raise his piece, and charge him to surrender.

“I have you, Oran, old friend!” he said, at last; “so down knife, and take quarter. If you move foot or hand, I’ll fire upon you.”

The outlaw heard his voice, and beheld the threatening weapon, without any manifestation of surprise. He bent his eyes upon him with a stare that curdled the raftsman’s blood. “Fire!” he said, and laughed; and then suddenly drawing the knife he had taken from Elsie’s cottage, he made a fierce spring from the rock right against the uplifted rifle. The attack was so unexpected and energetic that Potts had scarce time to pull the trigger, before the tory lighted on the shelf at his feet. He drew it, however, with the certainty that the next moment the assailant would be lying dead at his foot—he drew it, and not even a flash burst from the treacherous powder; it snapped in his hands; and before he could exchange it for another weapon, nay, before he could even draw his knife, he found the blade of his opponent glimmering at his breast. He caught at his wrist, the only expedient that saved him from a mortal thrust: and being of great nerve, he strove, at the same

time, to hurl the tory upon the rock. But great as was his strength, and feeble as he had supposed the powers of Oran to be, the attempt was foiled, and he began in his heart to curse the covetousness, that had deprived him of a helper, in such a time of need. As he caught the wrist of Oran in his left hand, he sought, with the other, to snatch his own knife from the sheath; but the motion was anticipated, and his own right hand grasped in Oran's left; so that the two stood for an instant facing one another, entangled, as it might be said, like two wild bucks, that have, at the first blow, interlocked their antlers together, and thus remain glaring at each other, waging battle only with their eyes. In that instant, the raftsman beheld enough to make him repent the temerity with which he had sought to bring the refugee to bay. Instead of being weakened by loss of blood, or exhausted by the toil of ascending the mountain, it seemed as if he was suddenly imbued with new strength, as well as additional fury, by the mere presence of a foe; and there was that in his countenance, which expressed, along with a native love of conflict, the malignant ferocity of a maniac. Indeed, his appearance was so fearful, and his ability to resist to the uttermost so manifest, that the raftsman felt strongly moved to call for a parley and propose a mutual release; but the desire came too late. The tory perceived the fainting of his heart, and laughed:

"I never did harm to you or yours, Dan Potts," he said; "but you shall never say so more. You would sell the blood of a dying man—you must first win it."

With that, he relaxed his grasp on the raftsman's right hand, as if for the purpose of seizing him by the throat; and Potts took instant advan-

tage of the motion, to snatch his knife from its sheath. The motion was a trick of juggling, such as the outlaw had learned among the red associates of his boyhood, and perhaps practised in similar encounters before. The next instant, he had thrown the whole weight of his body upon the raftsman's breast, and directing the half-drawn blade at the same time with his hand, Potts fell upon the rock, his own weapon buried to the handle in his side.

"Go!" shouted the victor, leaping up, and dragging his victim towards a corner of the shelf, where no parapet intervened betwixt them and the abyss,—"to your fellow bloodhounds below!—Something in memory of Hyland Gilbert!"

He struck the body with his foot,—it rolled crashing over the slender twigs and decaying flakes of stone on the brink of the precipice, and then disappeared, with not a sound to indicate its fall upon the shivered rocks below. The next moment, the victor ran from the platform, and was buried among the forests that darken the long and desolate summit of the ridge.

It was perhaps two hours, or more, before the party of pursuers, descending the mountain to the river, and making their way along the lesser elevation of rocks, heaped at the foot of the great southern precipice, from which they have fallen, reached the spot where they expected to find the mangled corse of the outlaw. Their astonishment and horror may be conceived, when, instead of that, they lighted upon the body of the raftsman, known by his garments, for scarce a vestige of humanity remained, and sought to penetrate the mysterious cause of his fall. The true reason was rather supposed than inferred; but their suspicions were confirmed when the mountain was re-as-

cended, and his axe and cap found lying on the shelf, as well as a new track of blood, leading along the ridge. This was followed, until it led them to a spot, where, it was evident, the fugitive had rested awhile and bound up his wounds. But here the trace entirely failed, and was never again recovered. The mountains were hunted over and over for weeks, but not the slightest vestige of the refugee rewarded the search.

In the course of the ensuing winter, a party of hunters, following a wolf, were led to the banks of one of those little lakes, that lie, like dots of sapphire and crystal, along the broken ridges of the mountain. In this remote nook, in a hollow, surrounded by jagged rocks and hemlock-trees, were found several rude huts, or wigwams, of boughs, now in ruins, such as the hunters make, when they 'camp out' in the wilderness, with the remains of fires in front of each. This place was supposed to have been one of the chief retreats of the refugees. At some distance from the huts, on the edge of the lake, they fell upon the bones of a human being, scattered about among the stones and bushes, as if rent asunder by wild beasts; and near them was discovered a rusted rifle, which, being taken to the valley, was recognised as the weapon of Potts, the raftsmen, which had not been found either upon the platform where the party of pursuers had left him, or near his body. This circumstance induced a suspicion that the bones were those of Oran Gilbert, who had armed himself with the raftsmen's piece, before leaving the platform. There remained no other memorial of his fate, and no other circumstance was found to identify the skeleton with the man once so much dreaded and detested; but it was not doubted that hither,

into the savage wilderness, he had dragged his mangled frame, and perished miserably.

The close of Hyland's story may be readily imagined. His sufferings he might have considered as being retributive in their nature,—since his return to the land of his birth had no worthier cause than a desire to take part in the conflict against her liberties. This desire had been indeed cooled by personal observation of the feelings and principles which supported his countrymen through a long period of disaster and suffering; and the last blow was given to the unworthy ambition by the love for one of his country's daughters that soon entangled his spirit. The giving way to wrath and the lust of blood, though but for a moment, had been followed by the last and heaviest of his griefs, not the lightest of which was his temporary belief in his own guilt, and his consequent remorse. But the shadow had now departed from him, and for ever; and it was soon perceived by all who chose to ponder over his history, that his greatest crime had been his affection, and the ill-judged deed of violence into which it had led him.

His meeting with the Captain's daughter, after his liberation, was one of mingled joy and grief; but it was the last one marked with tears. The bloom returned again to Catherine's cheek, and, in course of time, the gay and merry spirit, native to her bosom, revisited its former cell; and if a shadow ever again darkened her countenance, it was only when, sometimes wandering along the brook and by the waterfall, (whence the bones of Jessie had been long since removed, to be deposited near those of her step-mother in the village church-yard,) she remembered the trials of sorrow, and the scenes of blood, through which she had been conducted to final happiness. She wept, indeed, when Harriet

died, for she had forgiven her; but that was the only grief that clouded a long period of peace and sunshine.

Our inquiries after the fate of the less important personages of our tradition have never been very satisfactory in results. Americans are a race of Utilitarians, all busied in the acquisition of profitable knowledge, and just as ready, if not as anxious, to forget all lore of an useless character. The little anecdotes of a district last but for a generation; the fathers tell them to the children, but the children find something better to think about, and so forget them. We know nothing of the latter years of Elsie Bell, but can readily believe they passed in comfort and peace. Her little cottage has long since vanished from the earth, the running of newer and better roads in other places having long since diverted all travel from the precincts of Hawk-Hollow.

Dancy Parkins, we suppose, under the auspicious patronage of the new master of the valley, pursued his claims to the love of the fair Phœbe; but as that was a matter of much more consequence to him than the reader, we never cared much to inquire his fate.

Our curiosity in relation to the career of the unworthy limb of the law, Theophilus Affidavy, Esq., has been somewhat stronger; yet we could never find that a single act of his life, or even his name, has been retained by those who dwell near the scene of his exploits. His adventure in the brook, with his ride on the back of the buttonwood tree, has, by some strange accident, travelled into an adjacent county, where it is told as a very good story, though the honour is supposed to attach to an individual of another name and profession.

But it is with a strange story as with an old pun ; it finds fathers, as it travels.

As for Captain Loring, all we have to say of him is, that he lived long enough to rejoice over the union of his daughter with Hyland Falconer as much as he would perhaps have mourned over her early grave, had her destiny wedded her to the unlucky younger brother. He lived also to see, with a rapture that lasted to his dying day, the painter resume the brush, and put the last finish to ‘the grand picture of the Battle of Brandywine, and Tom Loring, dying.’

THE END.

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